

Message

From: Dan Bosch [dbosch@americanactionforum.org]
Sent: 7/25/2018 8:21:04 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Thank you!
Attachments: RRG Attendance.xlsx

Brittany,

I just wanted to thank you again for participating in our panel discussion yesterday. I thought it was enlightening and I received a lot of positive feedback from attendees. Speaking of which, I have attached a list of the attendees from yesterday's discussion just so you know who was there and is interested in the administration's regulatory reform efforts. I hope it is useful.

Congrats again on the new title!

Dan Bosch
Director of Regulatory Policy
American Action Forum
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Washington, DC 20006

Ex. 6

dbosch@americanactionforum.org

Name	Organization
Reeve Bull	ACUS
Dan Goldbeck	American Action Forum
Dan Bosch	American Action Forum
Paul Noe	American Forest & Paper Association
Alice Koethe	Association of American Railroads
Adam Gustafson	Boyden Gray & Associates
Richard Morrison	Competitive Enterprise Institute
Sofie Miller	Department of Energy
Ashok Pinto	Department of the Treasury
Christina Aizcorbe	Department of Transportation
Peter McKernan	Embassy of Canada
Will Lovell	EPA
Patrick Hedger	FreedomWorks
Jefferson Caves	FTI Consulting
Bryce Chinault	GW Reg Studies
Daniel Perez	GW Reg Studies
Trevor Carlsen	Hoover Institution
Daniel Flores	House Judiciary Committee
Brick Christensen	House OGR
Daniel Brown	House Small Business
Sam Batkins	Mastercard
Mike Jayne	Mercatus Center
Robin Bowen	Mercatus Center
Shiyi Zang	National Taxpayers Union
Joe Eckert	NFIB
Aubrey Neal	R Street Institute
Susan Eckerly	Senate Budget Committee
James Mann	Senate HSGAC
Josh McLeod	Senate HSGAC
Amanda Neely	Senate HSGAC
Satya Thallam	Senate HSGAC
Daniel Bunn	Senate Joint Economic Committee
Will Payne	Senate Judiciary

Tara Schonhoff

Senate Small Business and Entrepreneurship

Message

From: Thompson, Ryan [thompsonr@akingump.com]
Sent: 7/30/2018 4:28:08 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Meeting request

Brittany,

I hope you are well! I wanted to reach out on behalf of our client the Pebble Partnership. The CEO of Pebble, Tom Collier, will be in Washington this week and will be meeting with the Acting Deputy Administrator at 10am on Aug 2nd. I am not sure if you will join that meeting as well, but if not, I wanted to see if you had any time to meet briefly with Tom on Wednesday or Thursday? The objective of the meeting would be to bring you up to speed on the latest regarding the project.

Thanks in advance for considering,

-Ryan

Ryan Day Thompson

AKIN GUMP STRAUSS HAUER & FELD LLP

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Message

From: Tyner, Jake [JTynr@USChamber.com]
Sent: 4/13/2018 5:53:39 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Water

Flag: Follow up

Brittany –

Great to meet you at the Leadership Council this AM. Would you have a few minutes to talk water sometime on Monday after 10:30? Dan Byers passed me along your info.

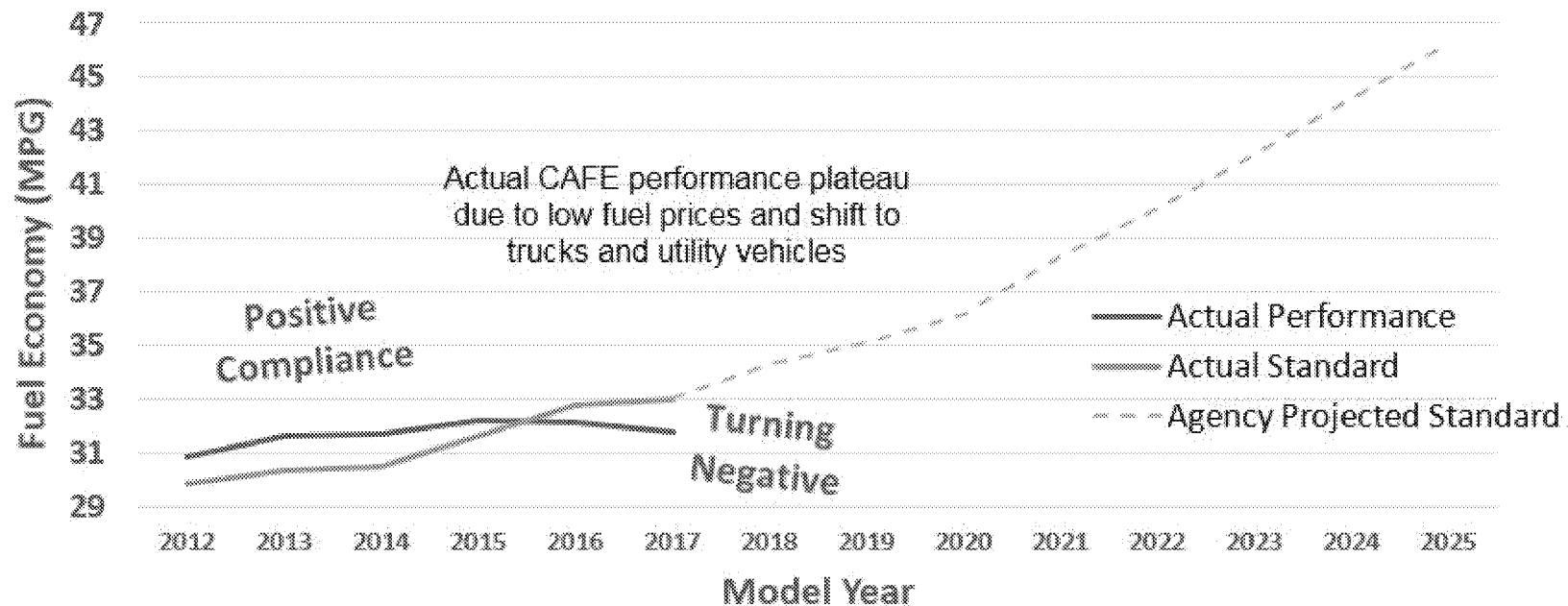
Have a great weekend,

Jake Tyner

Policy Associate | Environment, Technology & Regulatory Affairs
U.S. Chamber of Commerce

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Industry Corporate Average Fuel Economy Status



- 2016 MY NHTSA CAFE performance trend is a cause for concern.
- EPA GHG performance trend is similar.
- Better than standard performance has shifted to lower than standard performance.
- Low gasoline prices, muted demand for hybrids and other advanced vehicles, increasing shift to trucks and utility vehicles affecting performance and standards.

Source: 2012-2015MY: https://one.nhtsa.gov/cafe_pic/CAFE_PIC_fleet_LIVE.html
 2016-2017MY: NHTSA MYs 2016 and 2017 Projected Fuel Economy Performance Report
 2018-2025MY: Draft TAR Volpe model compliance report for augural standards

Rational Consumer's Perspective on Fuel Savings

	2017 → 2021		2021 → 2025	
Average CAFE Fuel Economy	32 mpg	36 mpg	36 mpg	43 mpg
Annual Fuel Cost	\$1032	\$917	\$917	\$768
Weekly Savings*	\$2.20		\$2.90	
				

- 2017-21 and 2021-25 MY Fuel Economy Standard improvement is worth a cup of coffee per week to the average consumer, yet cost \$\$ thousands up front.
- This could be a reason for the less than 3% consumer take rate of electrification in the market place.

*Assumptions: 15,000 miles per year from EPA fuel economy label for annual fuel cost and savings, \$2.20 per gallon, Draft TAR CAFE predicted fuel economy standards.

Rational Consumer's Perspective on Fuel Savings Battery Electric Vehicle (BEV) vs. Gasoline

Despite fuel cost opportunities offered by BEVs over their gasoline equivalents, current depreciation costs far outweigh the fuel savings, even with federal tax incentive.

 Vehicle	 Powertrain	 Fuel Economy	 3 Year Fuel Costs Total Weekly	 Purchase Price	 Value after 3 Years	 3 Year Depreciation Costs Total Weekly	 Depreciation + Fuel Costs Weekly	
 Ford Focus	Gasoline	31 mpg	\$3,600 \$23	\$20,400 \$8,600	\$11,800 \$76	\$99		
	Electric (BEV) with \$7,500 tax credit	107 mpge	\$1,800 \$12	\$29,100 \$21,600	\$5,200	\$23,900 \$16,400	\$153 \$105	\$165 \$117
	Better / (Worse) with \$7,500 tax credit	76 mpg	\$1,800 \$11	(\$8,700) (\$1,200)	(\$3,400)	(\$12,100) (\$4,600)	(\$77) (\$29)	(\$66) (\$18)
 Kia Soul	Gasoline	27 mpg	\$4,200 \$27	\$19,500 \$9,200	\$10,300 \$66	\$93		
	Electric (BEV) with \$7,500 tax credit	105 mpge	\$1,800 \$12	\$34,100 \$26,600	\$8,500	\$25,600 \$18,100	\$164 \$116	\$176 \$128
	Better / (Worse) with \$7,500 tax credit	78 mpg	\$2,400 \$15	(\$14,600) (\$7,100)	(\$700)	(\$15,300) (\$7,800)	(\$98) (\$50)	(\$83) (\$35)
 Fiat 500	Gasoline	29 mpg	\$4,500 \$29	\$16,800 \$5,500	\$11,300 \$72	\$101		
	Electric (BEV) with \$7,500 tax credit	112 mpge	\$1,800 \$12	\$31,800 \$24,300	\$7,600	\$24,200 \$16,700	\$155 \$107	\$167 \$119
	Better / (Worse) with \$7,500 tax credit	83 mpg	\$2,700 \$17	(\$15,000) (\$7,500)	\$2,100	(\$12,900) (\$5,500)	(\$83) (\$35)	(\$66) (\$18)

Source: Fuel / Specs / Pricing - US Dept. of Energy -- Fuel (2017MY) <https://www.fueleconomy.gov/feg/Find.do?action=sbsSelect>, Residual -- ALG 36 Month / 15,000 Mile (July - August 2017 Edition), Federal Tax Incentive (range dependent) -- US Dept. of Energy - <https://www.fueleconomy.gov/feg/taxevb.shtml>. Calculations assume maintenance and insurance costs comparable

Rational Consumer's Perspective on Fuel Savings Plug-In Hybrid Electric Vehicle (PHEV) vs. Gasoline

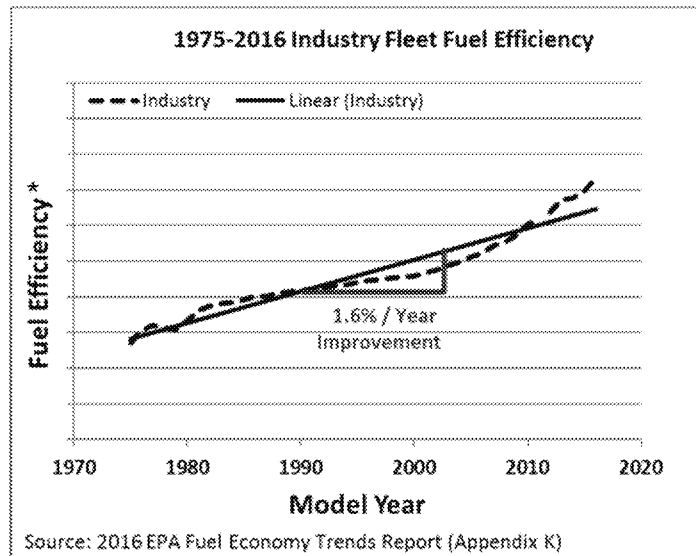
Despite fuel cost opportunities offered by PHEVs over their gasoline equivalents, current depreciation costs can far outweigh the fuel savings, even with federal tax incentive.

Vehicle	Powertrain	Fuel Economy	3 Year Fuel Costs Total	Weekly	Purchase Price	Value after 3 Years	3 Year Depreciation Costs Total	Weekly	Depreciation + Fuel Costs Weekly
 Ford Fusion	Gasoline	25 mpg	\$4,500	\$29	\$29,700	\$12,500	\$17,200	\$110	\$139
	Electric (PHEV) with \$4,000 tax credit	97 mpge	\$2,400	\$15	\$37,100 \$33,100	\$12,600	\$24,500 \$20,500	\$157 \$131	\$172 \$146
	Better / (Worse) with \$4,000 tax credit	72 mpg	\$2,100	\$14	(\$7,400) (\$3,400)	\$100	(\$7,300) (\$3,300)	(\$47) (\$21)	(\$33) (\$7)
 Hyundai Sonata	Gasoline	30 mpg	\$3,800	\$24	\$22,400	\$9,600	\$12,800	\$82	\$106
	Electric (PHEV) with \$4,900 tax credit	99 mpge	\$2,400	\$15	\$36,600 \$31,700	\$14,600	\$22,000 \$17,100	\$141 \$110	\$156 \$125
	Better / (Worse) with \$4,900 tax credit	69 mpg	\$1,400	\$9	(\$14,200) (\$9,300)	\$5,000	(\$9,200) (\$4,300)	(\$59) (\$28)	(\$50) (\$19)
 Chrysler Pacifica	Gasoline	22 mpg	\$5,100	\$33	\$35,900	\$17,200	\$18,700	\$120	\$153
	Electric (PHEV) with \$7,500 tax credit	84 mpge	\$2,900	\$19	\$43,500 \$36,000	\$19,100	\$24,400 \$16,900	\$156 \$108	\$175 \$127
	Better / (Worse) with \$7,500 tax credit	62 mpg	\$2,200	\$14	(\$7,600) (\$100)	\$1,900	(\$5,700) \$1,800	(\$36) \$12	(\$22) \$26

Source: Fuel / Specs / Pricing - US Dept. of Energy -- Fuel (2017MY) <https://www.fueleconomy.gov/feg/Find.do?action=sbsSelect>, Residual -- ALG 36 Month / 15,000 Mile (July - August 2017 Edition), Federal Tax Incentive (range dependent) -- US Dept. of Energy - <https://www.fueleconomy.gov/feg/taxevb.shtml>. Calculations assume maintenance and insurance costs comparable

4

Market Demand for Fuel Economy Technology



* Ton-MPG is an EPA metric used to normalize fuel economy for weight differences. It is the number of miles one ton of mass can be moved using one gallon of gas.

Historical Demand for Fuel Efficiency

- Agency data shows industry fuel efficiency has improved 1.6% per year from 1975-2016.
- Achieving current standards require 4-5% per year for 2012-2025.

Revisions are needed in the program that would allow time for:

- Continued innovation to lower the costs of technology.
- Implementing methods to promote technology:
 - Financial and non-financial incentives (e.g., HOV Lanes etc.).
 - Put needed infrastructure in place.
- Demand for electrification to develop in the market versus OEMs forcing electrification.

Industry Comments on Revised Determination

1. Appropriateness of 2022-25MY Standards

- The level of technology modeled by the Agencies is insufficient to meet the standards.
- More technology is needed for compliance and this level of technology is misaligned with market realities.
- A fully informed rulemaking is needed for 2022-25MY standards.

2. Consideration of 2021MY Standards

- Assuming 2021MY compliance ignores that industry is challenged in 2016-17MY despite implementing many of the agency-suggested technologies.
- Reexamination of 2021MY requirements is appropriate to determine if amendment of those standards could achieve the goals of harmonization.

3. Use of Alternative Methodologies and Modeling by EPA

- DOT's modeling system of Autonomie full vehicle simulations and CAFE Compliance and Effects (Volpe) model is more transparent and better accounts for real world factors than EPA's models.
- Ensuring that the Volpe and Autonomie models contain the most accurate inputs and analyses would be a more cost-efficient use of resources rather than creating yet another model.

Message

From: Tucker, Jamie [jtucker@AKINGUMP.COM]
Sent: 3/13/2018 5:40:36 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Feeley, Drew (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abae82aa36da4d3383eae19a8efa683c-Feeley, Rob]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Potential MTE Compromise
Attachments: Letter to Joshua Cunningham - PDF.pdf; ATT00001.txt

Mandy, Brittany and Drew -
from press accounts today it sounds like the Administration and CARB may be significantly apart on the MTE. Accordingly, I wanted to take this opportunity to remind you of a couple of proposals VNG.Co has made that could help close (or at least narrow) the gap by providing a compliance pathway for OEM production of natural gas vehicles which are particularly impactful for light duty picks ups and SUVs - the most popular and profitable vehicle segments.

Attached is a letter to CARB outlining the potential benefits of such an approach.

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November 27, 2017

Mr. Joshua Cunningham
Branch Chief, Advanced Clean Cars Branch
ECARS Division
California Air Resources Board
1001 I Street
Sacramento, CA 95814

VIA E-MAIL

RE: VEHICLE EMISSIONS AND SLCP POLICY

Dear Joshua,

On behalf of my VNG colleagues and Brad Couch at Ariel, I'd like to thank you and your colleagues for taking the time to meet with us on November 13. We found the conversation to be very useful and informative and I hope you did too.

I'm writing to reiterate the key point we made during our meeting: we believe that the minor changes in greenhouse gas (GHG) emissions regulations we are suggesting would have a profound and powerfully positive impact on ARB's evolving Short-Lived Climate Pollutant (SLCP) strategy. As evidenced by the Northern California wildfires, climate change is inflicting devastating impacts on California *today*, not in the far-off future. This urgency for near-term climate action is already reflected in the SLCP strategy, but we believe its effectiveness could be greatly enhanced by integrating ARB's SLCP goals into transportation policy, specifically by encouraging the adoption of renewable natural gas (RNG) by light truck natural gas vehicles (NGVs), particularly pickups, in order to enable a much larger and consistent market that will encourage substantially more methane capture.

We recognize that automakers may be able to meet their 2025 emissions targets under the current regulations – in many cases, by over-complying for passenger cars to compensate for under-complying light trucks (to the extent allowed). However, we believe that there are compelling reasons why our proposals discussed in this letter will help California go even further in achieving its objectives:

- **SLCP Alignment:** Align vehicle emissions regulations with the new SLCP program, a critical linkage due to the primary role of NGVs in driving market development for RNG production;
- **Reward Lifecycle Emissions of RNG in Rules:** Recognize and reward the huge lifecycle greenhouse emission reductions of RNG, which are left on the table in the current rules; and,

- **2030 and Beyond:** Transition pickups to advanced NGV platforms, which offer a path to meeting more stringent emission rules than would be possible for gasoline vehicles in 2030 (and beyond).

Light Truck NGVs Provide Greatest Leverage for Accelerating RNG Development

As ARB has found, the capture and use of RNG (also known as biomethane or biogas) from sources like dairies, organic waste, and landfills is essential to avoiding catastrophic climate change – and the transportation sector is unquestionably the most potent driver of methane capture in California. ARB has certified pathways for RNG use under the Low Carbon Fuel Standard (LCFS) that deliver reductions of up to -255 (negative) grams/mile on a CO₂ equivalent basis – the lowest carbon intensities of any vehicle fuel. According to the SLCP strategy, credits under the LCFS program make transportation the most profitable market for RNG producers, offering more than three times the revenues of electricity sales.

Thanks to the LCFS, the state's heavy-duty NGV fleets now fuel predominantly on RNG – in fact, according to the Coalition for RNG, NGV fueling in the state will reach 100% once the LA Metro bus fleet (the largest NGV fleet in the country) finishes converting to RNG. This is impressive, but it barely begins to show the potential of this sector: a UC Davis study conducted for ARB found that currently-economic RNG production potential in California is equal to 85 billion cubic feet per year – roughly five times the consumption of the current, heavy-duty-dominated NGV fleet. This doesn't include the vast RNG resources available on a national basis, which can be transported via California's pipeline system; indeed, current RNG use in the state is almost entirely from out-of-state producers.

In our conversations with RNG marketers, we've heard repeatedly that the RNG industry needs new and expanding markets to grow – and we believe that the light truck market is the biggest and best near-term opportunity to massively increase RNG demand. Pickup trucks are the best-selling but most-polluting vehicles in the country, and natural gas is currently the only commercially-available low-carbon technology for this vehicle segment. Like heavy-duty vehicles, these light trucks have weight and performance requirements that pose major challenges to the development of commercially-viable electric options – for example, EPA's 2016 Technical Assessment Report projects *zero* electric towing-capable pickups through 2025.

In recognition of this, automakers have introduced natural gas (or natural gas-ready) versions of their top-selling pickups in recent years. Leading natural gas conversion company Westport Innovations would go even further, with their concept for an advanced NGV pickup truck with 33% greater fuel economy than gasoline pickups and near-zero NO_x emissions thanks to engines that take advantage of the high-octane, clean-burning properties of natural gas.

Combining these advanced engines with hybridization offers potential for ultra-low tailpipe emissions – and potentially negative emissions on a lifecycle basis with RNG. Thus, NGVs are a clear pathway to solving the challenges automakers face in meeting accelerating emissions targets for pickups through 2025 – as well as a pathway for ARB to implement significantly more stringent requirements for GHGs from these vehicles in 2030 and beyond.

In the longer term, the growth of the NGV industry offers major synergies with the growth of hydrogen fuel cell vehicles (FCVs), further complementing the state's existing ZEV strategy. Thanks to their shared properties as a gaseous fuel, compressed natural gas (CNG) vehicle storage technologies such as adsorption tanks will advance analogous technologies for FCVs. Fueling station infrastructure for CNG and hydrogen also share similar equipment requirements (e.g. compressors and storage tanks), opening possibilities for combined CNG/hydrogen stations as well as the conversion of CNG stations to provide hydrogen. This is VNG's long-term vision. Furthermore, the ability of NGVs to drive the market for RNG capture in the near term will pay dividends for future hydrogen fuel providers – such as VNG -- which will have a ready source of RNG for hydrogen production via steam reformation.

Policy Proposals for Enabling the NGV Light Truck Market

We recognize that the relationship of natural gas and internal combustion engine vehicles to climate action is complicated; in the long term, we need a 100% renewable, zero-emission economy. However, we can't afford to wait until 2040 or 2050 to make progress on SLCs and pickup truck emissions – and we don't have to. With well-designed policies, California can ensure that NGV adoption delivers accelerated fuel economy benefits for pickups through advanced technologies, leverages existing programs like the LCFS to provide maximum new RNG demand growth, *and* avoids disrupting continuous growth in EV and FCV adoption for passenger cars.

In our comments and meetings with EPA regarding greenhouse gas emissions regulations, we are proposing several steps to incentivize automakers to produce light-duty NGVs and pickups in particular. These include:

- **0.15 Divisor for Emissions:** EPA should return to the use of the “0.15 divisor” for NGVs, counting emissions as 0.15 times those of gasoline vehicles. Just as the 0 g/mi emission incentive for EVs reflects the potential emissions of a 100% renewable electricity supply, this 0.15 divisor would approximate the emissions of a 100% renewable gas fuel supply – which is a rapidly-approaching reality in California. It would also harmonize incentives under the greenhouse gas program with NGV incentives provided under the CAFE program, simplifying automaker compliance strategies.

Like the current EV incentive, this incentive could be phased out and replaced with a calculation of lifecycle emissions based on actual use of RNG in the NGV fleet. And just like EVs, the transition to lifecycle emission calculations for NGVs would be based on per-manufacturer sales thresholds (e.g. 200,000 in the case of EVs in the current rules) during the 2022-2025 period. Because ARB and EPA collect data on RNG sales for transportation through the LCFS and RFS programs, determining the appropriate lifecycle emissions at the start of each model year should be relatively simple from an administrative perspective.

The benefits of this approach would be the same for NGVs as they have been for EVs: a limited (in terms of number of vehicles and model year availability) incentive will catalyze automaker investments in new technology, after which a more precise accounting of lifecycle emissions will ensure that the rules fully capture all the climate benefits of renewable energy – no more, and no *less*. Under the current *status quo*, the lifecycle emissions benefits of capturing methane for

RNG are not being recognized at all, which risks leaving considerable potential for climate mitigation and linkage with the SLCP program on the table.

- **NGV Pickup Incentive:** Current regulations provide special incentives for the deployment of low-emission technologies in full-sized pickups. However, as currently structured, these advanced technology incentives are only provided if automakers deploy a given technology in at least 10% of the pickups they sell – an unfeasibly high initial threshold for alternative fuel vehicles. Creating a NGV pickup incentive and removing the minimum deployment requirement (so that automakers receive a bonus for every single NGV pickup produced) would ensure that automakers focus their NGV efforts on the pickup sector, where they are most needed.
- **Eliminate Bi-Fuel Design Requirements:** In order to receive full credit for their expected natural gas use, bi-fuel NGVs must have a natural gas range at least double their gasoline range and be designed to use gasoline only when the natural gas tank is empty. PHEVs face no such requirements, despite having a much lower all-electric range than the CNG range of bi-fuels. These requirements represent a significant, unnecessary and expensive obstacle to automakers interested in quickly bringing new bi-fuel vehicle designs to market by adding natural gas tanks to existing gasoline vehicle designs. Removing these requirements would enable more robust NGV (and RNG) market development in the same way that PHEVs have helped EV adoption.
- **Partial Credits for Retrofits:** With conventional gasoline cars and trucks, it is essentially impossible to improve the fuel economy and emissions of a given vehicle with electricity after it rolls off the assembly line. However, retrofitting existing vehicles to fuel on natural gas has long been a major part of the NGV industry, and offers an opportunity to significantly accelerate progress on transportation emissions. Retrofits could be incentivized by allowing conversion companies to receive emissions credits for NGV retrofits in proportion to the remaining useful life of a given vehicle – for example, a 50% credit for a 5-year-old-vehicle (based on a 10-year useful life). These credits could then be sold to automakers.

We are optimistic that these steps would enable automakers to achieve the current 2025 emissions targets for light trucks – the point of greatest contention in EPA’s current review of the rules – by delivering real-world, upstream GHG reductions from RNG while achieving even greater increases in petroleum independence. As such, we have argued in our comments to EPA that these limited reforms would provide a way to maintain the stringency of the current rules, potentially avoiding unnecessary legal battles and automaker uncertainty that would come with any attempt to relax the regulations more broadly – particularly if ARB also finds these reforms acceptable.

Of course, as you know, the most powerful regulatory driver for vehicle technology development has always been ARB’s ZEV program, not federal regulations. In addition to their role in commercializing EVs, partial ZEV credits for NGVs were previously responsible for the existence of the CNG version of the Honda Civic – which was discontinued in part due to ARB’s phase-out of these credits starting in 2018. While the flourishing of the EV market in passenger cars has obviated the need for a CNG Civic, we believe the ZEV program can focus automaker efforts on the CNG pickup trucks that we *do* need.

- **TZEV Credits for NGV Light Trucks:** Partial ZEV credits could be reintroduced for NGVs, but limited to light trucks – passenger car NGVs would not be eligible. These credits could be included as another type of Transitional ZEV (TZEV) alongside PHEVs and hydrogen-fueled ICE vehicles. This inclusion is justified by the fact that RNG can be considered a ZEV fuel based on its own emissions properties as well as its importance as a hydrogen feedstock. Like other TZEV vehicles, automakers would only be able to use a certain portion of TZEV credits to meet their overall ZEV obligation, which would ensure that ZEV adoption is not negatively impacted.

Aligning Transportation Policy with the SLCP Strategy

California has always led the way in the development of clean vehicle technologies, including a long history of promoting NGVs. While ARB's focus has more recently shifted to exclusively emphasizing EVs and FCVs for light-duty vehicles, we believe that the compelling economics of RNG-fueled NGVs combined with the increased urgency of the state's SLCP agenda merits a selective reconsideration of this focus.

By incentivizing the production of light truck NGVs specifically, ARB can better align its transportation emissions policies with its SLCP strategy – without endangering continued progress for EVs and FCVs in the passenger vehicle segment. Moreover, by transitioning pickups and other “heavy” light trucks to advanced NGV platforms, automakers will be able to achieve much deeper emission reductions at the tailpipe than would be possible with gasoline vehicles, creating a pathway to much more stringent regulations in 2030 and beyond.

We believe these recommendations could achieve all of these goals, and we hope to work with ARB on their implementation as soon as possible. We'd be happy to meet with the ARV staff working on the SLCP policy if you think that would be helpful.

Climate action simply can't wait. Please let me know how we can help.

Respectfully,

Robert C. Atkinson

Robert C. Atkinson

Chief Regulatory Officer, VNG

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909-447-42901

cc: Dario Frommer – Akin, Gump
Brad Couch – Ariel
John Atkinson – VNG

From: Tucker, Jamie [jtucker@AKINGUMP.COM]
Sent: 10/23/2017 7:45:52 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Feeley, Drew (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abae82aa36da4d3383eae19a8efa683c-Feeley, Rob]
CC: Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]
Subject: Natural Gas Vehicles As An Alternative Compliance Pathway
Attachments: Updated VNG Comments on EPA-HQ-OAR-2015-0827.pdf; NGV Executive Action Summary.docx

Flag: Follow up

Brittany/ Drew - We want to express our great appreciation for your time today with VNG and Ariel to discuss ways to harmonize regulatory treatment of NGVs and EVs.

As we discussed, VNG is proposing regulatory changes which would address (among other segments) the light-duty truck category which accounts for 64% of new vehicle purchases (and are responsible for even greater amounts of fuel use and pollution if you take into account the differential in fuel economy between light-duty trucks and passenger cars), and for which there is not a viable electrification solution.

Natural gas vehicles provide a cost effective and additional pathway for automaker emissions compliance while preserving the products consumers desire, and are therefore worthy of being included in a portfolio of solutions along with EVs to achieve the objectives.

Specifically, we would encourage the Administration to consider:

- **Restoring the 0.15 “divisor”** in EPA’s compliance calculations, equivalent to NHTSA’s statutory Petroleum Equivalency Factor that counts a gallon-equivalent of natural gas as 0.15 gallons of gasoline. The previous Administration ended this powerful incentive while simultaneously providing electric vehicles with additional emissions incentives on the hope that EVs would be “game changers.” The game has now changed for NGVs. The shale revolution that has occurred since the current rules were set as well the development of Renewable Natural Gas as the lowest carbon vehicle fuel are true game changers that strongly justify returning to the 0.15 divisor.

The powerful and well-justified incentive of the 0.15 divisor would be complemented and made even more effective by additional changes including:

- **Eliminating range requirements on bi-fuel NGVs** that results in an impractical natural gas tank size requirement that is twice the size of the gasoline tank and costly design requirements for NGVs, whereas no such range requirements exists for hybrid electric vehicles. This is the most important regulatory change as a complement to the 0.15 divisor of the three.
- **Providing NGV pick-ups with the bonus credits** provided to “strong electric hybrid pick-ups” and **eliminating the existing minimum 10% deployment threshold** to qualify for pickup bonus credits.
- **Establishing a new incentive to encourage retrofitting existing gasoline and diesel vehicles to run on natural gas**, something that isn’t feasible for electric drives but which will reduce emissions by the existing fleet of vehicles

Enclosed for your further consideration are our Midterm Evaluation comments as well as information outlining the rationale for the recommended regulatory changes. We stand at the ready to respond to any questions or recommendations you may have with regard to our MTE recommendations and comments.

Thank you again and we look forward to continuing our dialogue with you and others engaged in the inter-agency process.

Jamie

Jamie Tucker

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Natural Gas Vehicles (NGVs): The Common Sense Solution To Achieving Emissions Reduction Compliance At Low Cost and Low Risk

NGVs ideally suited to help pickups, light duty trucks reach 2025 emissions goals

- Light duty trucks face biggest compliance challenge, are critical to Big Three future
- EVs not an option – batteries too expensive, too heavy for larger vehicles
 - NGVs are proven: Ford F150, Chevy Silverado, Dodge Ram

Correcting NGV incentives is straightforward – and justified

- No consideration of NGV technology in 2016 Technical Assessment Report despite availability of abundant domestic fuel and vehicle technology
 - Game-changing Renewable Natural Gas (RNG) delivers more than 85% lifecycle emission reductions
- Restore pre-2015 “0.15 divisor” to harmonize EPA with statutory CAFE incentives,
 - Parity with EV incentives: just as EV incentives reflect renewable energy, restoring 0.15 divisor for NGVs would reflect emissions benefits of RNG (85%)
 - Would allow OEMs to easily meet 2025 targets for pickups
- Parity: eliminate arbitrary driving range requirement imposed on bi-fuel NGVs
 - Plug-in hybrids have no requirements despite much shorter electric range
- Provide NGV pickups with same emissions credits as “Strong Hybrids”
 - Eliminate minimum penetration for NGV pickup incentives: NGVs as 10% of all pickups not immediately feasible for alt fuel like natural gas

Additional opportunity for smarter regulations: encourage retrofits

- Retrofitting deployed vehicles with natural gas reduces emissions of existing fleet
- Build on NGV retrofit successes in Oklahoma, greatly expand benefits of rules
- Allow converters to receive credits based on vehicle’s remaining useful life, sell/transfer to OEMs

Restoring parity between NGVs and EVs, and between EPA and NHTSA, will provide automakers much-needed compliance flexibility for light trucks and pickups – and by making these changes effective immediately, we can start building this industry today.



**Comments by VNG.co LLC on
Reconsideration of the Final Determination of the Mid-Term
Evaluation of Greenhouse Gas Emissions Standards
For Model Year 2022–2025 Light-Duty Vehicles**

Docket ID: EPA–HQ–OAR–2015–0827

VNG.co LLC is a developer of compressed natural gas (CNG) fuel dispensing infrastructure for light- and medium-duty natural gas vehicles (NGVs). We welcome this opportunity to comment on the Midterm Evaluation (MTE) of light-duty vehicle greenhouse gas standards established for model years 2022-2025 and provide the agencies¹ with much-needed updated information on NGVs and their ability to contribute to the goals of the regulations.

Indeed, NGVs are perhaps the largest and most consequential knowledge gap in the agencies' work on these regulations to date. The only substantive discussion of NGVs in the 1,217 page Technical Assessment Review (TAR) issued by EPA, NHTSA and CARB was one short paragraph noting the growth in CNG fueling infrastructure,² and NGVs were not included in the TAR's models for automaker compliance.³ This is inexplicable considering that U.S. OEMs (the "Big Three") have each produced pickups that operate on compressed natural gas (CNG) in recent years, as well as the fact that there are 22 million NGVs on the road globally - including many produced by OEMs that also serve the U.S. market.

However, this decision to exclude NGVs from serious analysis becomes even more confounding when one considers the radical changes that have occurred in the emissions profile of this technology since the original rulemaking. Renewable natural gas (RNG) can reduce lifecycle greenhouse emissions by 85% or more compared to gasoline, and this ultra-low carbon biofuel now accounts for over 35% of NGV fueling nationally and over 60% of NGV fueling in California. Furthermore, engine manufacturers are beginning to explore the potential of advanced engine designs to take advantage of CNG's high-octane, inherently low-emission properties - another major opportunity to meet the agencies' goals that has been completely unexplored to date.

The virtual exclusion of NGVs from the analysis and discussion has led to the perception of regulators having a false choice between siding with automakers and consumers on one side and environmentalists on the other. Automakers assert that they cannot stop consumers from buying the larger, less fuel-efficient vehicles they want (and in many cases need), and that meeting the current emissions targets for 2025 would impose major costs and risks on their business. Meanwhile, environmentalists insist that we need to transition our entire vehicle fleet to electric vehicles (including hydrogen fuel cell vehicles) as soon as possible, despite the fact

¹ While these Comments are being submitted in the EPA's docket, it is VNG's expectation that they will be also be considered by the National Highway Traffic Safety Administration (NHTSA) and the California Air Resources Board (CARB), collectively "the agencies."

² *Draft Technical Assessment Report: Midterm Evaluation of Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards for Model Years 2022-2025*, ENVIRONMENTAL PROTECTION AGENCY (July 2016), at 9-41, <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100OXEO.PDF?Dockey=P100OXEO.PDF> (hereinafter "Draft TAR").

³ *Id.* at 5-502.

that they are not projected to have more than 1-2% market share through at least 2025 – and are especially unlikely to be a practical choice for SUVs and pickups due to their weight and utility requirements.

NGVs are the missing piece of the puzzle. From an automaker's perspective, they offer a proven pathway to dramatically reducing emissions from their large-footprint vehicles, with similar costs and much greater benefits than lightweighting for pickup trucks. For environmentalists, the use of RNG offers similar or even superior emissions benefits to EVs, while also immediately addressing the segments of the auto market (e.g. light trucks) that are unlikely to have an electric alternative for the foreseeable future.

Reforming the light-duty emission regulations to make NGVs a practical compliance path for automakers thus offers the agencies a way to preserve the stringency of existing targets while simultaneously making it easier for automakers to meet them cost-effectively. Equally important, individual Americans will benefit from the use of a cleaner transportation fuel with lower and more stable pricing, compared to gasoline, all while purchasing the vehicles they want and need at reasonable costs. That's a win-win-win.

The following comments detail the reasons for providing robust regulatory support for NGVs on par with previous regulatory support for EVs, organized into the following sections.

- **The Need for Light Truck Alternatives in a Changing Market Context:** Consumer demand is shifting towards large vehicles with relatively low fuel economy. NGVs are ideally suited to provide a low-emission, non-petroleum alternative for the light truck segment, which is unlikely to be served by electric vehicle (EV) alternatives for the foreseeable future.
- **Renewable Natural Gas - A "Waste-to-Wheels" Emissions Game-Changer:** RNG is a game-changer that puts NGVs on par with an EV powered with wind or solar power - and it accounts for a much higher percentage of NGV fuel use than renewable electricity in the overall electricity mix. The rules must account for this dramatic shift and provide incentives for NGVs similar to those provided for EVs.
- **Potential for Rapid Cost Reductions, Consumer Savings with NGVs:** Unlike EVs, NGVs do not depend on inherently-expensive components like batteries, giving them much greater potential for rapid cost reductions with production at scale. This potential has already been demonstrated by European OEMs and gives NGVs much greater potential for mass-market adoption than the agencies have recognized to date.
- **Importance of Dual-Fuel NGVs:** Dual-fuel (commonly referred to as "bi-fuel") vehicles will play an important role in the market development of NGVs during early years of infrastructure buildout. The agencies took steps towards providing important support for bi-fuel NGVs in the original rulemaking, yet also placed unfair restrictions on this support that were not placed on similarly-important plug-in hybrid electric vehicles.

- **Advanced NGV Technologies Promise Best Emissions Path for Internal Combustion Engines (ICEs):** The development of new engine technologies optimized for CNG's inherently high-octane, clean-burning qualities gives NGVs unsurpassed potential for environmental performance on a mass-market-ready ICE platform.
- **“Bridge to Hydrogen” Needed More Than Ever:** The agencies have previously recognized the ability of NGVs to provide a “bridge” to hydrogen-fueled vehicles thanks to numerous technology synergies on the vehicle as well as the fueling side. The opportunities for such synergies have expanded in recent years, and are as urgently-needed as ever due to the slow market uptake of hydrogen fuel cell vehicles.
- **Emissions Solution for Mid-Life Vehicles:** Sec. 202(a) of the Clean Air Act requires the agencies to regulate vehicle emissions throughout their useful life, but the current light-duty program only provides incentives for low-emission technologies deployed in *new* vehicles. As states like Oklahoma and Utah have shown, there is significant potential to reduce emissions and petroleum use from older vehicles with CNG retrofits, and these benefits should be recognized and encouraged in these regulations.
- **Addressing the Threat of Petroleum Dependence:** The CAFE program was originally created as a response to the oil crisis of 1973; yet, more than 40 years later, the program has done very little to reduce our near-total dependence on petroleum, and the agencies project that the 2017-2025 rules will not make a meaningful difference either. The current regulations ensure this in part by disadvantaging natural gas, perhaps our best hope for a long-term solution to this problem.
- **NGV Reform Needed Today for 2017-2021 Targets:** Because the current disparity between treatment of NGVs and EVs is so clearly arbitrary and contrary to real-world lifecycle GHG emissions, and because automakers need this compliance flexibility and regulatory certainty in order to confidently invest in NGV production, these changes should be made effective immediately – without waiting for the 2022-2025 period. EPA's review of the 2021 targets as part of this proceeding is an excellent opportunity to do so.

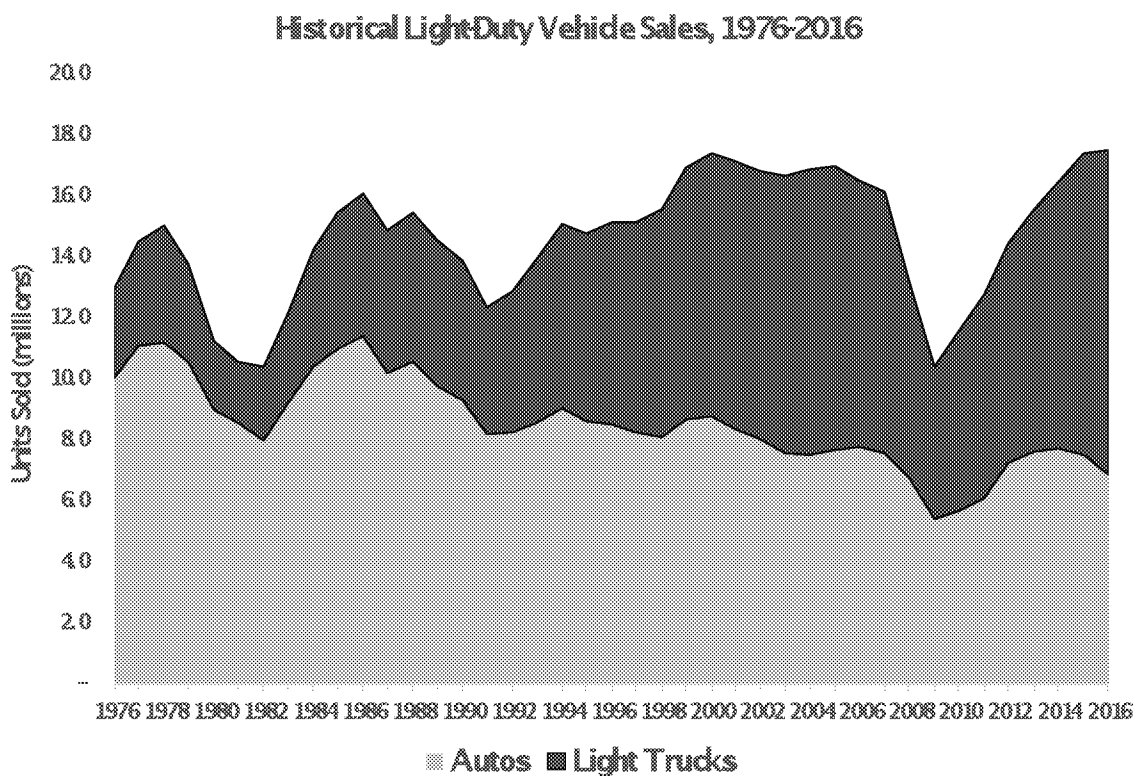
In addition to providing information on each of these topics for use in the rulemaking process, we will indicate the specific topics from EPA's Request for Comment that each section is relevant to, and we will conclude each section with a list of recommended changes to the regulations. By updating the regulations to incentivize the deployment of NGVs similar to the previous administration's focus on incentivizing EVs, the agencies will provide automakers with a greater range of compliance pathways that will help achieve the goals of the regulations sooner and more cost-effectively, to the collective benefit of consumers, the environment and industry.

The Need for Light Truck Alternatives in a Changing Market Context

Issues Addressed:

- The impact of the standards on the automobile industry
- The feasibility and practicability of the standards

As the agencies acknowledged in the 2016 draft Technical Assessment Report (TAR), low gasoline prices have encouraged U.S. consumers to gravitate towards the purchase of larger and less fuel-efficient vehicles. After the Great Recession of 2008 decimated all classes of vehicle sales as well as oil prices, light truck sales have rebounded much more strongly than passenger vehicles and are approaching all-time highs and a market share of over 60%.⁴ As the experience of the 1980s-2000s demonstrated, this shift in the market towards light trucks is likely to be sustained if gasoline prices stay low for the long term, as many observers have speculated - including oil majors like Shell, whose CEO recently said that oil prices may be “lower forever.”⁵



Source: Bureau of Economic Analysis, 2017⁶

⁴ Auto and Truck Seasonal Adjustment, BUREAU OF ECONOMIC ANALYSIS (August 2, 2017), https://www.bea.gov/national/xls/gap_hist.xlsx

⁵ Sarah Kent, Shell Prepares for ‘Lower Forever’ Oil Prices, WALL ST. J. (July 27, 2017), <https://www.wsj.com/articles/royal-dutch-shells-second-quarter-earnings-rise-sharply-1501137915>

⁶ Auto and Truck Seasonal Adjustment, BUREAU OF ECONOMIC ANALYSIS (August 2, 2017), https://www.bea.gov/national/xls/gap_hist.xlsx

Even if gasoline prices rise again, these large light duty vehicles will always account for a sizable part of the market due to their unique ability to meet specific consumer and business needs. While the footprint-based structure of the rules ensures that automakers will have to increase the fuel economy of all vehicles in order to achieve compliance, the TAR projected that this trend will nonetheless reduce the original projected impacts of the rules on petroleum dependence and greenhouse gas emissions.

The size of light trucks limits the availability of cost-effective solutions to increasing fuel economy and reducing emissions – particularly for full-size pickups, which have added performance requirements. For example, the TAR estimated that the total cost of a 20% mass reduction for towing-capable pickups, which would improve fuel economy and emissions by only 10%, would be roughly \$3,000. It is also particularly challenging to electrify light trucks and pickups due to the added cost and weight of the battery packs needed to move these larger vehicles, particularly those built for carrying or towing heavy loads. Indeed, there are very few electric light trucks on the market today and no pickups, and the TAR does not even consider the possibility of electric towing-capable vehicles within the 2025 timeframe.⁷

Pickup trucks are the best-selling vehicles in America, as well as the most important source of profits for the “Big Three” U.S. automakers. Thus, a cost-effective solution to their emissions and petroleum dependence is absolutely essential to ensuring that these companies, their hundreds of thousands of employees, and the millions of consumers and businesses that rely on pickup trucks are not unnecessarily harmed by the agencies’ regulations.

Fortunately, and in contrast to electrification, compressed natural gas (CNG) is ideally suited to be a low-emission, non-petroleum alternative fuel for light trucks and pickups especially. Larger vehicle envelopes provide ample room for CNG storage tanks, and since natural gas offers far greater energy density than batteries, it is much better-suited for moving heavy vehicles. These characteristics are why natural gas has long been the clean fuel of choice for heavy-duty vehicles like transit buses and refuse trucks, and the same logic holds true for the heavier side of the light-duty vehicle spectrum.

Indeed, automakers have demonstrated that NGVs are already a viable commercial technology. All three U.S. automakers have offered either CNG-equipped or CNG-ready versions of their flagship full-size pickups, including GM’s Chevy Silverado,⁸ FCA’s Dodge Ram,⁹ and Ford’s F-

⁷ Draft TAR, *supra* note 2, at 4-40.

⁸ Brandon Turkus, *2015 Chevy Silverado HD gets CNG option*, AUTOBLOG (Feb. 6, 2014), <http://www.autoblog.com/2014/02/06/2015-chevrolet-silverado-hd-cng-official/>.

⁹ Richard Truett, *Ram will expand lineup of CNG-powered trucks*, AUTOMOTIVE NEWS (Mar. 4, 2015), <http://www.autonews.com/article/20150304/OEM05/150309913/ram-will-expand-lineup-of-cng-powered-trucks>.

150. In fact, in addition to being the best-selling vehicle of any model, the 2016 Ford F-150 was named Green Car Journal's "Green Car of the Year" in part due to the availability of a CNG prep package as an option.¹⁰

Thus, the rules should encourage automakers to transition these vehicle segments to natural gas in two ways. First, they should be provided strong incentives to do so, including special incentives for pickup trucks similar to the incentive previously created for hybrid-electric pickups. Second, natural gas should be factored into setting targets for what can be reasonably achieved for light trucks and pickups, since this is a mature, proven, commercially-available technology that automakers have already deployed in recent years.

Summary and Recommendations

Because light trucks and pickups especially are a critical market segment for consumers, businesses and automakers, and because neither electrification nor lightweighting are practical alternatives for these heavier vehicles, EPA should provide a clear regulatory pathway for automakers to transition these segments to natural gas.

- Provide emissions credits for all NGVs that reflect the emissions benefits of renewable natural gas (RNG), as discussed in the following section.
- Offer a "Natural Gas Pickup" incentive similar to current hybrid-electric and "performance-based" pickup credits; however, for the natural gas pickup credit, minimum deployment thresholds should be eliminated to reflect the greater market challenges faced by NGVs - since, unlike hybrid-electrics, they use an alternative fuel. Expecting an automaker to immediately transition at least 10% of their critical pickup fleet to an alternative fuel is simply not realistic, and renders the current "performance-based" credit useless despite the fact that natural gas can meet the credit's performance threshold of 20% emission reductions.
 - This goal could be accomplished by inserting a new section (c) under 40 C.F.R. § 86.1870-12, *CO₂ credits for qualifying full-size pickup trucks*, titled "Credits for implementation of natural gas technology." The structure of these credits would be similar to those for sections (a) and (b), but with reduced or eliminated requirements for the "required minimum percent of full size pickup trucks."

¹⁰ *Fuel Efficiency, Alternative Fuels and Sustainability Earn Ford F-150 2016 Green Truck of the Year Award*, FORD MOTOR Co. (Nov. 19, 2015), <https://media.ford.com/content/fordmedia/fna/us/en/news/2015/11/19/ford-f-150-earns-2016-green-truck-of-the-year-award.html>.



- Incorporate the use of natural gas when setting targets for practical, achievable emissions improvements for light trucks and full-size pickups.

Renewable Natural Gas - A “Waste-to-Wheels” Emissions Game-Changer

Issues Addressed:

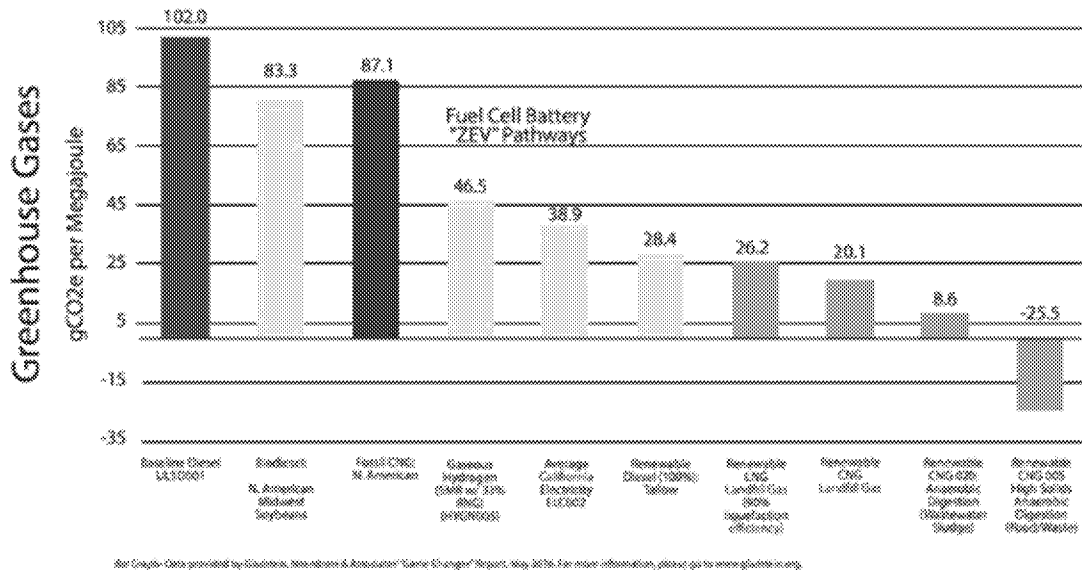
- *The availability and effectiveness of technology, and the appropriate lead time for introduction of technology*
- *Any relevant information in light of newly available information.*
- *The impact of the greenhouse gas emission standards on the Corporate Average Fuel Economy standards and a national harmonized program*

Since the original rulemaking, there has been a dramatic transformation of the lifecycle emissions profile of NGVs due to the rapid adoption of renewable natural gas (RNG) in the transportation sector. Indeed, this is likely the biggest change in the lifecycle emissions of any fuel or vehicle type since the 2011 rulemaking – yet it was completely absent in the draft TAR for reasons that are not clear.

RNG, also known as biogas or biomethane, captures methane produced from a variety of sources including landfills, dairy and livestock operations, and wastewater treatment plants. Once impurities are removed, this methane can be used as a perfect substitute for fossil natural gas, including distribution in the existing natural gas pipeline system and use in NGVs.

Since methane is a powerful greenhouse gas, the use of RNG can achieve massive emission reductions on a CO₂-equivalent basis when used as a transportation fuel. While lifecycle emissions can vary significantly depending on the pathway for RNG production, according to the most recent values for the California Low Carbon Fuel Standard (LCFS) it can yield emission cuts of between 70% and 130%¹¹ - in other words, NGVs powered by RNG can be carbon-negative, potentially yielding even greater emissions benefits than an electric vehicle powered entirely by solar or wind energy.

¹¹ Staff Report, CALIFORNIA AIR RESOURCES BOARD, Proposed Re-Adoption of the California Low Carbon Fuel Standard. Dec. 2014. <https://www.arb.ca.gov/regact/2015/lcfs2015/lcfs15isor.pdf>.



Source: Gladstein, Neandross & Associates¹²

In the original 2017-2025 rulemaking, EPA recognized the potential for RNG to deliver “game-changing” lifecycle GHG emissions for NGVs, but stated that the agency “believe[d] that biomethane will remain a small part of the overall natural gas market for the foreseeable future.”¹³ This belief is, simply put, outdated. Today, RNG fueling is increasingly the norm for NGVs thanks to the federal Renewable Fuel Standard (RFS) and the California Low Carbon Fuel Standard (LCFS). While these programs were in their infancy during the original rulemaking in 2011, they have since emerged as powerful economic drivers for RNG use in transportation, thanks to the reclassification of RNG as a cellulosic biofuel by EPA¹⁴ as well as CARB’s ranking of it as the lowest GHG fuel on the market.¹⁵ Today, the value of these RFS and LCFS credits has made RNG commercially competitive with fossil natural gas.¹⁶

This economic driver has led to the very rapid increase in the production and sale of RNG fuel to the transportation sector – particularly in California, where fuel retailers can benefit from sales of both LCFS and RFS credits and where there are the largest number of NGVs and natural gas fueling stations. According to the RNG Coalition, over 60% of NGV fueling in California and 35%

¹² *Game-Changer: Next Generation Heavy Duty Natural Gas Engines Fueled By Renewable Natural Gas*, GLADSTEIN, NEANDROSS AND ASSOCIATES (May 2016), http://ngvgamechanger.com/pdfs/GameChanger_FullReport.pdf

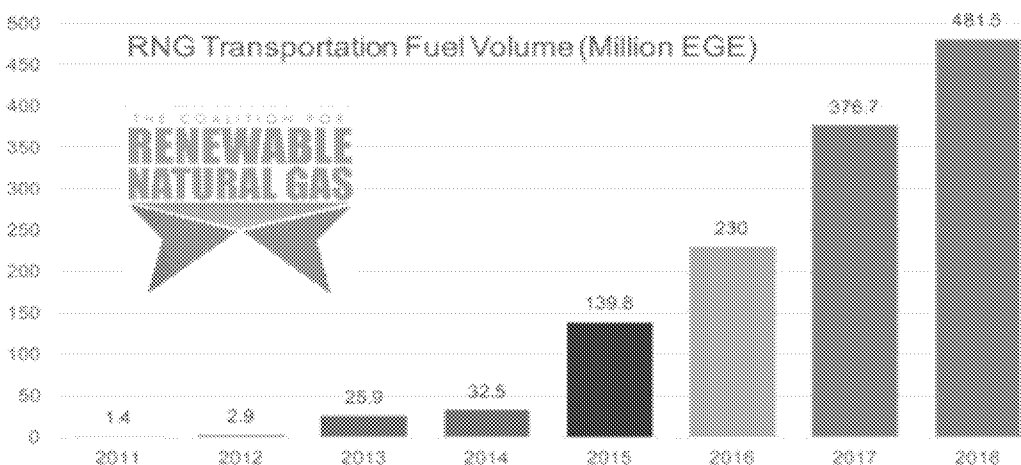
¹³ 2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards, 77 Fed. Reg. 62815 (Oct. 15, 2012) (hereinafter “2012 Light Duty GHG Standards”).

¹⁴ “Renewable Fuel Pathways II Final Rule to Identify Additional Fuel Pathways under Renewable Fuel Standard Program Documents.” ENVIRONMENTAL PROTECTION AGENCY. July 18, 2014. <https://www.epa.gov/renewable-fuel-standard-program/renewable-fuel-pathways-ii-final-rule-identify-additional-fuel-0>

¹⁵ Staff Report, CALIFORNIA AIR RESOURCES BOARD, Proposed Re-Adoption of the California Low Carbon Fuel Standard (Dec. 2014), <https://www.arb.ca.gov/regact/2015/lcfs2015/lcfs15isor.pdf>

¹⁶ *The Feasibility of Renewable Natural Gas as a Large-Scale, Low Carbon Substitute*, UC DAVIS INSTITUTE OF TRANSPORTATION STUDIES, June 2016. <https://www.arb.ca.gov/research/apr/past/13-307.pdf>

nationally comes from RNG.¹⁷ In terms of absolute volumes, RNG fuel use in transportation increased fivefold between 2013 and 2015, and the Coalition projects it will more than quadruple between 2015 and 2018.



Source: RNG Coalition, *Fleets & Fuels Magazine*¹⁸

With this trajectory of RNG growth, the emissions benefits of NGVs today are already at least as powerful as EVs and likely even greater. Thus, ignoring the growth of RNG is not only outdated, but it renders the regulations ineffective in their stated goal of reducing GHG emissions. It also inhibits job creation not only in the NGV industry but the RNG industry as well, which has the potential to create jobs at farms and municipalities across the country through the capture and sale of locally-produced renewable fuel.

In addition to missing an opportunity to achieve the goals of the regulations, the failure to recognize the emissions benefits of RNG has also resulted in EPA effectively negating Congressional incentives for NGVs under the CAFE program. According to Sec. 6 of the Alternative Motor Fuels Act (AMFA)¹⁹ codified as 49 U.S. Code § 32905, the fuel economy of NGVs and EVs alike is to be calculated using the Petroleum Equivalency Factor (PEF) that treats every gallon-equivalent of compressed natural gas or equivalent electrical energy as 0.15 gallons of gasoline. The goal of this technology-neutral statutory calculation was to provide automakers with a strong incentive to manufacture **both** types of alternative fuel vehicles to achieve the goal of American energy independence. By encouraging the production of vehicles that reduce the use of higher-carbon petroleum fuels, the statute also reduces emissions.

While the statute requires that NGVs and EVs be treated the same in terms of measuring fuel economy, there is no equivalent law governing measurement of GHGs. EPA chose to follow

¹⁷ Patrick Couch, *RNG in California: More Than You Think*, FLEETS AND FUELS (Apr. 20, 2016), <http://www.fleetsandfuels.com/fuels/cng/2016/04/rng-in-california-more-than-you-think/>.

¹⁸ *Id.*

¹⁹ Alternative Motor Fuels Act of 1988, Public Law 100-494, 102 Stat. 2441.

Congressional CAFE incentives through model year (MY) 2015²⁰ but thereafter to give NGVs credit for only their tailpipe emissions reductions of approximately 20% compared to gasoline instead of the “0.15 divisor,”²¹ while temporarily treating EVs as having zero emissions.²² In its original 2017-2025 rulemaking, EPA acknowledged that this calculation for EVs failed to account for the upstream emissions produced by EVs from power generation but claimed that the long-term potential of EVs to produce “game-changing” emissions when charged with renewable electricity justified this unprecedented incentive.²³

By contrast, in the same rulemaking EPA recognized the potential for RNG to deliver “game-changing” lifecycle GHG emissions for NGVs, but stated that the agency “believe[d] that biomethane will remain a small part of the overall natural gas market for the foreseeable future.”²⁴ As discussed above, this expectation has been proven wrong for natural gas transportation. To be consistent with this new reality and the goals of the regulation, as well as with the goal of harmonizing EPA’s regulations with the statutory CAFE program, the rules should give *both* fuels incentives that reflect their “game-changing” emissions potential: for NGVs, this means credits that are equivalent to 100% RNG fueling, in the same way that the 0 g/mi incentive for EVs is equivalent to the use of 100% renewable electricity.

It would be justifiable to calculate the emissions of a 100% RNG-fueled NGV as 85% below that of a gasoline vehicle - which would be in line with the average cited in the NPC’s topic paper on the subject²⁵ as well as a return to the “0.15 divisor” in line with CAFE’s PEF calculation. And, because the present bias towards EV incentives represents the most egregious inconsistency of EPA’s regulations with the CAFE program, we believe it is also justifiable to make this change effective immediately, instead of waiting for 2022.

Summary and Recommendations

RNG has transformed the emissions of NGVs since the original rulemaking, accounting for 35% of NGV fueling nationally and delivering emission reductions of 70% to 130%. Because of this game-changing emissions potential, and because existing EPA incentives for alternative fuels are biased towards EVs and disruptive of Congressionally-mandated CAFE incentives for NGVs, the emission calculation for NGVs should be reformed effective immediately.

²⁰ Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards, 75 Fed. Reg. 25716 (May 7, 2010)

²¹ 2012 Light Duty GHG Standards at 62623, 62816.

²² *Id.* at 62819.

²³ *Id.* at 62820.

²⁴ *Id.* at 62815.

²⁵ Report, NATIONAL PETROLEUM COUNCIL, *Advancing Technology for America’s Transportation* (2012), <http://www.npc.org/reports/trans.html>.

- NGV emissions calculations should return to the “0.15” divisor used before 2016, with emissions calculated as 85% below a gasoline vehicle. This is both justified by the real-world emissions benefits of RNG and is consistent with the CAFE program.
 - We recommend reinstating language from the MY 2011-2016 regulations under 40 C.F.R. § 600.510–12, *Calculation of average fuel economy and average carbon-related exhaust emissions*: “For natural gas-fueled model types . . . the carbon-related exhaust emissions value calculated for that model type in accordance with paragraph (b)(2) of this section multiplied by 0.15 and rounded to the nearest gram per mile, except that manufacturers complying with the fleet averaging option for N₂O and CH₄ as allowed under § 86.1818 of this chapter must perform this calculation such that N₂O and CH₄ values are not multiplied by 0.15.”²⁶
- This change should be effective retroactively to model year 2017, given the major impediment to NGV adoption posed by the current incentive structure as well as the uniquely egregious regulatory overreach it represents compared to the CAFE program.
- To mirror EV incentives, EPA could consider a similar volume-based transition after 2022 to a regime that considers the real-world use of RNG just as EV incentives will ultimately be calculated based on real-world lifecycle emissions; this would be relatively simple to do since EPA already tracks RNG use under the RFS program.

Potential For Rapid Cost Reductions, Consumer Savings with NGVs

Issues Addressed:

- *The cost on the producers or purchasers of new motor vehicles*
- *The feasibility and practicability of the standards*

As part of a shift towards a serious analysis of NGVs in the MTE, the agencies must consider not only the current costs of NGVs but their potential for very rapid cost reductions with production at scale. Indeed, while the current incremental prices of CNG pickups are typically \$10,000 or more (including upfitting costs), these high costs are primarily due to the need to spread significant up-front design and certification costs over a small number of vehicle sales.

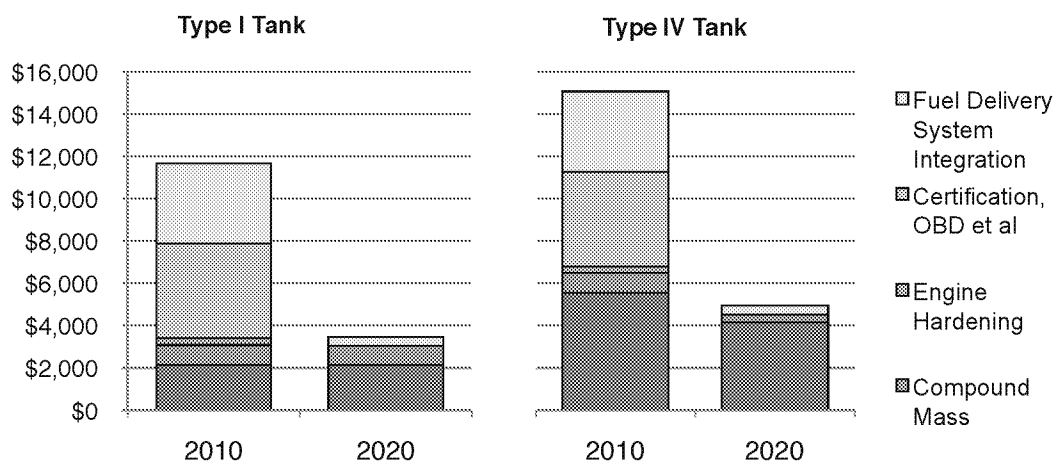
The 2012 report “Advancing Technologies for America’s Transportation Future” by the National Petroleum Council (NPC) estimates that about two thirds of the incremental cost of a NGV pickup comes from these areas, and that incremental costs could be reduced to \$3,500 per vehicle by 2020 simply by moving to high-volume production (over 100,000 vehicles per year).²⁷

²⁶ 40 C.F.R. § 600.510–12(j)(2)(iii)(A).

²⁷ Report, NATIONAL PETROLEUM COUNCIL, *Advancing Technology for America’s Transportation* (2012), <http://www.npc.org/reports/trans.html>.

These projections are based in part on experiences in major NGV markets in Europe like Italy and Germany, where volume production has driven incremental costs down to \$3,000 or less.²⁸

Projected NGV Pickup Incremental Costs, National Petroleum Council



This compares very favorably to the current and projected incremental costs of electric and plug-in electric vehicles. Unlike NGVs, which use the same internal combustion engine platforms as gasoline vehicles and mostly only require the addition of a compressed gas tank made of steel or composites, EVs use batteries that require numerous expensive components and can only reduce costs relatively slowly. This is a critical difference for the agencies to incorporate into their planning, given much greater potential for near-term mass-market adoption of NGVs.

The mass-market potential of NGVs is due to the combination of (potentially) low incremental costs along with the lower and more stable price of natural gas compared to petroleum fuels, which allows the incremental cost to be recouped relatively quickly. According to modeling done in conjunction with the NPC study, this combination gave NGVs the potential to achieve a 17 percent light-duty vehicle market share by 2020 - more than twice the combined market share of electric and plug-in electric vehicles given their projected cost improvements.²⁹ While this 2012 forecast is clearly unrealistic from the perspective of 2017, the impressive potential for mass-market adoption of a cleaner fuel - and *much* cleaner when RNG is used instead of fossil natural gas - remains an opportunity that should be seriously considered in the agencies' analysis and target-setting.

Indeed, putting aside the comparison to EVs, the potential incremental costs for NGV pickups are comparable to the projected costs for 20% mass reduction via lightweighting cited earlier - \$3,000 per pickup. However, as previously stated, lightweighting is forecasted to yield a fuel economy and emissions improvement of only 10%. NGV pickups at scale would have a similar

²⁸ Rohan Nath et al., *A Realistic View of CNG Vehicles in the US*, BCG PERSPECTIVES (June 16, 2014), https://www.bcgperspectives.com/content/articles/energy_environment_automotive_realistic_view_cng_vehicles_us/.

²⁹ *Id.*

incremental cost, yet deliver *twice* the emission reductions with fossil natural gas and many times that with RNG. NGV pickups also completely eliminate petroleum dependence, protecting this critical market segment (and all the consumers, businesses, and workers that depend on it) from oil price swings.

Thus, natural gas deserves to be included in the formulation of the targets for pickups and other light trucks just like other fuel efficiency technologies that have been proven to be cost-effective at scale. This would significantly increase the achievable fuel economy and emissions improvements for these segments within the timeframe of the rulemaking and thus provides a strong rationale for potentially maintaining the existing targets.³⁰

Summary and Recommendations

Because NGVs have been proven to deliver rapid and deep cost reductions with high-volume production, the agencies should incorporate them as such into their analysis.

- Modeling used to set achievable emissions curves for pickups and light trucks should include natural gas as a proven technology at costs based on high-volume adoption, not their current incremental costs at low production volumes.

Importance of Dual-Fuel NGVs

Issues Addressed:

- *The impact of the standards on the automobile industry*
- *The feasibility and practicability of the standards*

Dual-fuel NGVs (referred to in the industry as “bi-fuel” NGVs) that operate primarily on CNG but can also operate on gasoline as a backup fuel are likely to play a critical role in winning market adoption of NGVs more broadly. The ability to fuel on gasoline as a backup fuel effectively eliminates consumers’ “range anxiety” while CNG fueling infrastructure is not yet as widely available as gasoline, in the same way that dual-fuel electric vehicles (referred to in the industry as plug-in hybrid electric vehicles, or PHEVs) like GM’s Chevy Volt have played an important role in expanding the early market for EVs.

The 2017-2025 rulemaking made a major stride towards recognizing the potential benefits of dual-fuel NGVs, which had previously only been assumed to fuel on CNG for 50% of the time. EPA recognized that drivers purchasing dual-fuel NGVs as well as PHEVs are likely to live in areas where fueling (or charging, respectively) infrastructure is reasonably available, and will also preferentially use these alternative fuels whenever possible given their lower cost

³⁰ Starting the NPC’s eight-year projection in 2017 instead of 2012 would imply that an NGV market share of 17 percent could be achieved by 2025 with huge reductions of emissions and petroleum consumption.

compared to gasoline. Thus, the rules allowed automakers to calculate the fuel usage of both dual-fuel NGVs and PHEVs using a method called the “utility factor” which bases relative consumption of alternative fuels versus gasoline on the vehicle’s range on the alternative fuel.³¹

Using this method, a dual-fuel NGV with 250 miles of CNG range – such as the 2015 Dodge Ram³² – would be assumed to operate on CNG 97.1% of the time, making them nearly as beneficial as a dedicated NGV. PHEVs would receive a similar calculation, although their much shorter all-electric range makes the incentive relatively less beneficial. For example, in the original rulemaking EPA estimated that the Chevy Volt would receive a utility factor of 69% for an all-electric range of 50 miles.³³

However, despite the fact that utility factors for dual-fuels are ostensibly to be calculated based on their range on alternative fuels, EPA has saddled dual-fuel NGVs with a unique and onerous additional requirement: they must have a CNG range at least double that of their gasoline range in order to qualify for the utility factor calculation, or else they default to an assumed baseline 50% CNG fuel use.³⁴ Not only that, to be eligible for the incentive, the dual-fuel NGVs must be designed to only use gasoline when the CNG tank is empty.

This requirement is inconsistent with the EPA’s assumption that dual-fuel vehicles will fuel as often as possible on CNG for economic reasons, which would imply that their proportion of CNG use should be solely determined by their CNG range according to the utility factors – and not by their gasoline range. Adding further inconsistency, PHEVs face no such requirements, despite the fact of their much more limited all-electric range.

In addition to rendering incentives for dual-fuel NGVs less effective, this requirement adds marketing challenges and, significantly, unnecessary costs to automakers and consumers. To date, the configurations offered by automakers have focused on vehicles that maintain full range on gasoline in order to provide as long of a combined range as possible as well as flexibility; for instance, the dual-fuel GM Silverado has a combined CNG and gasoline range of 650 miles (with the majority coming from gasoline) and allows drivers to switch fuels by flipping a switch.³⁵

Beyond unnecessarily restricting customer appeal, the CNG-to-gasoline driving range requirement would require automakers to reduce the size and capacity of the existing gasoline fueling systems in dual-fuel NGVs, which will impose additional costs on manufacturers that will

³¹ 2012 Light Duty GHG Standards at 62829.

³² Richard Truett, *Ram will expand lineup of CNG-powered trucks*, AUTOMOTIVE NEWS (Mar. 4, 2015), <http://www.autonews.com/article/20150304/OEM05/150309913/ram-will-expand-lineup-of-cng-powered-trucks>.

³³ 2012 Light Duty GHG Standards at 62828.

³⁴ *Id.* at 62829.

³⁵ Brandon Turkus, *2015 Chevy Silverado HD gets CNG option*, AUTOBLOG (Feb. 6, 2014), <http://www.autoblog.com/2014/02/06/2015-chevrolet-silverado-hd-cng-official/>.

have to be passed on to consumers. Today's dual-fuel pickup truck designs leave the existing gasoline fueling systems intact and simply add CNG storage capacity by placing the CNG tank in the bed of the pickup truck. Downsizing the gasoline fueling system would require additional design, manufacturing, and certification costs that would serve no purpose other than meeting an arbitrary and unnecessary regulatory requirement.

Of course, automakers could also pursue an alternative pathway and maintain the existing gasoline tank size and instead greatly increase CNG fueling capacity. However, this would require tripling or quadrupling the number of CNG tanks currently installed in vehicles like the dual-fuel Dodge Ram, which would add so much weight and take up so much space in the pickup bed that it would be completely unusable for the work fleets that depend on these vehicles. Once again, the current requirement forces automakers to make changes that would increase costs and reduce market acceptance in order to receive full regulatory benefits.

Allowing all NGVs to receive the full utility factor credit for CNG use would remove an unnecessary, ineffective, and arbitrary regulatory impediment to the development of this crucial market segment for stimulating growth in the wider NGV industry.

Summary and Recommendations

Because dual-fuel NGVs are critical for market development and consumer acceptance, and because the agencies should strive to be consistently technology-neutral in their incentives, the unique requirements for dual-fuel NGVs to receive credits based on utility factor calculations should be eliminated.

- Remove the utility factor requirements for a 2:1 ratio of CNG-to-gasoline range, as well as the requirement for dual-fuel NGVs to only use gasoline when the CNG tank is empty.
 - This goal could be achieved by deleting the requirements contained in 40 C.F.R. § 600.510–12, *Calculation of average fuel economy and average carbon-related exhaust emissions*, part (c)(2)(vii)(B) for fuel economy and (j)(2)(vii)(B) for emissions.

Advanced NGV Technologies Promise Best Emissions Path For ICEs

Issues Addressed:

- *The impact of the standards on advanced fuels technology, including but not limited to the potential for high-octane blends*
- *The impact of the standards on compliance with other air quality standards;*
- *The availability of realistic technological concepts for improving efficiency in automobiles that consumers demand, as well as any indirect impacts on emissions;*

Going beyond today's NGV technology, the agencies should consider the enormous untapped potential of natural gas to deliver even greater environmental and fuel economy benefits in the future. As the highest-octane, cleanest hydrocarbon fuel, natural gas has very favorable physical properties for unsurpassed performance from an internal combustion engine – if automakers are sufficiently incentivized to invest in developing this fuel to its full potential.

Natural gas has 130 octane, far beyond what gasoline – even ethanol-blended gasoline – can provide. In the “Advancing Technologies for America’s Transportation Future” study, the NPC projected that this could yield fuel economy up to double that of conventional vehicles when combined with direct injection technologies that fully utilize the properties of CNG.³⁶ The leading CNG conversion company Westport Innovations is already investigating the potential for natural gas-fueled advanced powertrains that exploit these properties for pickup trucks, with a turbocharged direct injection platform that could reduce carbon emissions by at least 30%.³⁷

The potential environmental benefits of CNG aren’t limited to greenhouse gases. In 2015, Cummins Westport International (CWI) introduced a heavy-duty CNG engine that was the first engine of any kind to meet the California Air Resources Board (CARB) optional low-NOx emission standard of 0.02 g/bhp-hr NOx – 90% below the 2010 EPA certification level.³⁸ Owing to the inherently cleaner chemistry of natural gas compared to petroleum-based fuels, similar improvements in performance for NOx emissions could likely be achieved for light-duty vehicles given sufficient automaker interest and investment. While NOx emissions are much lower for gasoline-fueled vehicles compared to diesel vehicles, they are still significant, making this a major untapped opportunity to address smog-forming emissions on our roads.

Agency staff should study the potential of advanced technology to further improve the emissions profile of NGVs, in the same in-depth manner that it has investigated the current and future state of EV and FCV technology. Furthermore, it should incorporate this potential in its assessment of the “game-changing” potential of NGVs as justification for strong incentives.

Summary and Recommendations

³⁶ Report, NATIONAL PETROLEUM COUNCIL, *Advancing Technology for America’s Transportation* (2012), <http://www.npc.org/reports/trans.html>.

³⁷ *Methane: The Performance Fuel*, WESTPORT INNOVATIONS (October 2015) https://cleancities.energy.gov/files/u/news_events/document/document_url/128/Brad_Douville_Westport_NGVTf_.pdf

³⁸ *Game-Changer: Next Generation Heavy Duty Natural Gas Engines Fueled By Renewable Natural Gas*, GLADSTEIN, NEANDROSS AND ASSOCIATES (May 2016), http://ngvgamechanger.com/pdfs/GameChanger_FullReport.pdf

Because of the high-octane, low-emission properties of natural gas, the agencies should fully study the ability of advanced NGV technologies to further reduce CO₂ and smog-forming pollutants and incorporate the results into regulatory incentives and long-term target setting.

- The ability of NGVs to deliver unsurpassed fuel economy for an ICE vehicle should be used as a further rationale for returning to the use of the “0.15 divisor” for calculating NGV emissions, as discussed in the above section on RNG.

“Bridge to Hydrogen” Needed More Than Ever

Issues Addressed:

- *The availability and effectiveness of technology, and the appropriate lead time for introduction of technology*
- *Any relevant information in light of newly available information.*

In awarding advanced technology multiplier incentives to NGVs, the original light-duty vehicle rulemaking in 2012 recognized that there are numerous technical synergies between the development and commercialization of NGVs and hydrogen fuel cell electric vehicles (FCVs) owing to the physical similarities between methane and hydrogen. The agencies wrote that “CNG investments have the potential to facilitate the introduction of hydrogen FCVs in several respects,” including innovations in advanced storage materials and tube trailer designs, improved designs for compressors and fuel dispensers, and on-site production of hydrogen from natural gas feedstock. VNG helped to lay out this rationale in a white paper, “NGVs: An Essential Bridge to Hydrogen,” commissioned from the consultancy Energy Futures.³⁹

Since 2012, the FCV industry has taken its first steps towards commercialization, with Toyota, Honda, and Hyundai each offering models for the U.S. market. The TAR was cautiously optimistic about the uptake of these technologies, with an estimated 125,000 FCVs deployed in California by 2025 thanks to the Zero Emissions Vehicle (ZEV) mandate. However, this does not mean they are fully commercial technologies; indeed, it means that the need for NGV synergies to accelerate the development of this market has been elevated from the realm of the theoretical to the practical. The need is particularly urgent in the area of hydrogen fueling infrastructure, as the TAR estimated that hydrogen fuel demand could begin to outpace infrastructure availability as early as 2019 and as late as 2026.

As noted in the original rulemaking, some of the strongest synergies between these fuels are in the area of infrastructure development. Both CNG and hydrogen fueling stations require the same types of equipment, including compressors, high-pressure storage tanks, and gaseous fuel dispensers. Shared standards, equipment designs, production and operational economies

³⁹ *Natural Gas: An Essential Bridge to Hydrogen Fuel Cell Vehicles*, ENERGY FUTURES (2011) <http://vng.co/wp-content/uploads/2012/05/Natural-Gas-An-Essential-Bridge-To-Hydrogen-Fuel-Cell-Vehicles.pdf>

of scale, and technology innovations in this area could simultaneously drive down costs for both fuels. The September 2014 report “Transitioning the Transportation Sector: Exploring the Intersection of Hydrogen Fuel Cell and Natural Gas Vehicles” by the Sandia National Laboratory⁴⁰ goes further, with a concept design for a combined hydrogen and natural gas fueling station that “could improve operational expenditures and also take advantage of common supply chains.”

The TAR also noted that “implementation of renewable hydrogen sourcing has posed a financial challenge” for stations developed to date, despite a minimum renewable content of 33% to receive grants from the California Energy Commission and greater incentives for 100% renewable hydrogen stations. RNG is an ideal feedstock for renewable hydrogen production via steam methane reforming (SMR) technology, but the market for FCVs is currently too small to drive widespread development of these resources. As discussed earlier in these comments, increasing the deployment of RNG-fueled NGVs is key to building the market and growing demand for this ultra-low GHG fuel in the near term, ensuring sufficient supplies of RNG for renewable hydrogen production in the longer term.

Finally, these synergies may also yield benefits in the opposite direction, with advances in hydrogen improving the emissions profile of NGVs. The TAR recognizes the potential benefits of power-to-gas applications, in which large-scale wind and solar generation can be used to create hydrogen for blending into natural gas pipelines. While it is discussed in the context of reducing the lifecycle emissions of hydrogen production, this is also clearly relevant to reducing the lifecycle emissions of CNG. The 2013 report “Blending Hydrogen into Natural Gas Pipeline Networks” by the National Renewable Energy Laboratory⁴¹ estimates that natural gas pipelines could accommodate blends of 5-20% hydrogen content with no technical changes by end users (e.g. NGVs), which would not only reduce the overall carbon content of natural gas but also reduce methane leakage from the pipeline system (since hydrogen, as a lighter molecule, would escape from leaks first and ‘crowd out’ methane).

The NREL report notes that “conceivably, a credit trading system could apply to natural gas with a specified blend content of renewable hydrogen, paralleling the renewable energy credit system used in the electricity sector.” In fact, such programs already exist in the transportation sector: the LCFS and RFS programs both allow for the addition of new low-carbon and renewable fuel pathways, and renewable hydrogen-enriched natural gas sold as fuel for NGVs could readily fit within these schema. As with RNG, NGVs can play a crucial role in building this

⁴⁰ *Transitioning the Transportation Sector: Exploring the Intersection of Hydrogen Fuel Cell and Natural Gas Vehicles*, SANDIA NATIONAL LABORATORY (2014), https://energy.gov/sites/prod/files/2015/02/f19/2015-01_H2NG-Report-FINAL.pdf

⁴¹ *Blending Hydrogen into Natural Gas Pipeline Networks: A Review of Key Issues*, NATIONAL RENEWABLE ENERGY LABORATORY (2013), http://www1.eere.energy.gov/hydrogenandfuelcells/pdfs/blending_h2_nat_gas_pipeline.pdf

market in the near term to ensure the availability of renewable, low-emission feedstocks for hydrogen fuel production in the long term.

In all these ways, NGVs could provide much-needed boosts to the development of the FCV industry. On the commercialization side, NGVs will help stimulate adoption of FCVs through lower costs and expanded infrastructure availability, and on the environmental side the expansion of availability of renewable gas feedstocks will maximize the climate benefits of these vehicles. Indeed, NGVs and FCVs should be considered part of the same gaseous fuel pathway and recognized as such in regulations that fully account for and promote the lifecycle benefits of ultra-low GHG gaseous fuel blends.

Summary and Recommendations

The widespread adoption of RNG fueling for NGVs has only increased the synergies between NGVs and FCVs. As such, the agencies should continue to recognize the linkage between these fuels as part of an advanced gaseous fuel pathway for game-changing, long-term emission reductions.

- The mutually-reinforcing ability of both NGVs and FCVs to deliver “game-changing” emission reductions should be used as a further rationale for returning to the use of the “0.15 divisor” for calculating NGV emissions, as discussed in the above section on RNG.

Emissions Solution for Mid-Life Vehicles

Issues Addressed:

- *The impact of the standards on consumer behavior, including but not limited to consumer purchasing behavior and consumer automobile usage behavior.*

Sec. 202(a) of the Clean Air Act requires the agencies to regulate vehicle emissions throughout their useful life, but the current light-duty program only provides incentives for low-emission technologies deployed in *new* vehicles. This is becoming an issue because the past decade has seen a slow, steady increase in the average life of vehicles on our roads, and particularly for light trucks. According to data from the Bureau of Transportation Statistics, the average life of cars on US roads has increased from 9.5 years in 2005 to 11.5 years in 2015⁴² - surpassing the 10 year vehicle life currently considered by the agencies.

This trend will likely continue and accelerate if regulations drive up the cost of new vehicles by thousands of dollars, as the agencies themselves have estimated. This will encourage drivers to hold onto their older, less fuel-efficient, and more polluting cars and light trucks for longer and longer, undermining the benefits of the regulations.

⁴² *Transportation Energy Databook 2016*, OAK RIDGE NATIONAL LABORATORY, <http://cta.ornl.gov/data/index.shtml>

With conventional gasoline cars and trucks, it is essentially impossible to improve the fuel economy and emissions of a given vehicle after it rolls off the assembly line. However, retrofitting existing vehicles to fuel on natural gas has long been a major part of the NGV industry, particularly in states like Oklahoma⁴³ and Utah⁴⁴ that have actively sought to promote the retrofit market. The robust retrofit ecosystem in place for NGVs is fully capable of addressing this market, and the updated certification requirements for remarketed and used vehicles established by EPA in 2012⁴⁵ could make this a very cost-effective way to deliver real emissions and petroleum consumption benefits.

While expanding the rules to include emission and petroleum reductions from vehicles that have already been sold is novel, the environmental and energy security benefits that would result are just as meaningful as those stemming from sales of cleaner, more efficient new vehicles.

One way to incentivize retrofits of existing vehicles would be to allow EPA-certified conversion companies to “opt in” to the regulation for the purpose of generating credits for every vehicle they retrofit to operate on natural gas. These credits would be pro-rated based on the vehicle’s projected remaining useful life - for instance, a vehicle that is five years old (halfway through the current 10 year/100,000 mile definition of useful life used by the agencies) would receive credits equal to 50% of the emissions benefits of a new NGV, including the “0.15 divisor” and the full-size pickup bonuses proposed in previous sections. The conversion company could then sell the credits to automakers looking to reduce their compliance costs in a given vehicle category.

Incentives for the development of the aftermarket upfit and retrofit ecosystem could also be incorporated into regulations for new vehicles, by including credits for CNG “prep packages” in the off-cycle credit program. For instance, the previously-mentioned 2016 Ford F-150 pickup has a CNG “prep package” including hardened valves, valve seats, pistons and piston rings, which significantly reduces the future cost of upfitting/retrofitting the vehicle for CNG operation.⁴⁶ Since this feature increases the likelihood that vehicles will be converted to a low-emission, non-petroleum fuel, it should be included on the off-cycle credit menu.

We encourage the agencies to consider these and other creative solutions to incorporate retrofits and aftermarket upfits into the rules. Doing so would help to counter the environmental and petroleum consumption impacts of increasing vehicle life, encourage closer collaboration between automakers and conversion companies, and improve the rules’ cost-effectiveness.

⁴³ Jay F. Marks, *CNG vehicle conversion business is booming for Oklahoma company*, THE OKLAHOMAN (Mar. 16, 2012), <http://newsok.com/article/3658028>.

⁴⁴ Clifford Krauss, *Surge in Natural Gas Has Utah Driving Cheaply*, N.Y. TIMES (Aug. 29, 2008), <http://www.nytimes.com/2008/08/30/business/30gascars.html>.

⁴⁵ *Certification and Compliance for Vehicles and Engines*, ENVIRONMENTAL PROTECTION AGENCY, <https://www3.epa.gov/otaq/consumer/fuels/altfuels/altfuels.htm>.

⁴⁶ *First Compressed Natural Gas and Propane-Capable 2016 Ford F-150 Rolls Off The Line At Kansas City*, FORD MOTOR Co. (Dec. 9, 2015), <https://media.ford.com/content/fordmedia/fna/us/en/news/2015/12/09/first-compressed-natural-gas-and-propane-capable-2016-ford-f-150.html>.

Summary and Recommendations

NGVs offer a unique, proven pathway to reducing the emissions and petroleum consumption of the existing vehicle fleet, which is likely to be a growing issue as vehicle lifespans continue to be extended. Accordingly, the existing ecosystem of NGV conversion companies (as exemplified by states like Oklahoma and Utah) as well as OEMs should benefit from regulatory incentives for serving this important potential market.

- Allow EPA-certified converters to “opt in” to the program and generate credits for CNG retrofits and upfits that can subsequently be sold to automakers.
- Provide emission credits for CNG “prep packages” that reduce the costs of subsequent conversion to natural gas, as part of the off-cycle credit technologies listed at 40 C.F.R. § 86.1869–12, *CO₂ credits for off-cycle CO₂-reducing technologies*.

Addressing the Threat of Petroleum Dependence

Issues Addressed:

- *The cost on the producers or purchasers of new motor vehicles or new motor vehicle engines*
- *The impact of the standards on consumer behavior, including but not limited to consumer purchasing behavior and consumer automobile usage behavior (e.g. impacts on rebound, fleet turnover, consumer welfare effects, etc.)*
- *The impact of the standards on the automobile industry*

While EPA’s emission regulations under the Clean Air Act serve an important purpose, they currently overshadow the original reason that Congress created the CAFE program in 1975: to reduce America’s dependence on the petroleum fuels. The Energy Policy and Conservation Act was a direct response by lawmakers to the catastrophic economic and geopolitical effects of the 1973 oil crisis, but this purpose should also be fresh in the minds of today’s policymakers and regulators. Like virtually every other economic recession, the oil price spike of 2007 is widely regarded as triggering the Great Recession in 2008, which devastated the global economy and cost over a hundred thousand jobs in the automotive sector as Chrysler and GM went into bankruptcy.⁴⁷

Much more recently, Hurricane Harvey’s devastation seriously disrupted the nation’s gasoline fuel supplies⁴⁸ – a reminder (along with Superstorm Sandy in 2012⁴⁹) that our dependency on one fuel source poses inherent risks beyond political or economic events.

⁴⁷ James Hamilton, “Oil Prices and the Economic Downturn.” Testimony Prepared for the Joint Economic Committee of the U.S. Congress (May 20, 2009), <https://www.jec.senate.gov/public/cache/files/a6fca8ca-4c4f-4006-bca5-67e972dc19e2/hamilton-testimony.pdf>

⁴⁸ Gaurav Sharma, *Hurricane Harvey Has Morphed Into A Major U.S. Gasoline Supply Disruption Event*, FORBES (August 28, 2017), <https://www.forbes.com/sites/gauravsharma/2017/08/28/hurricane-harvey-has-morphed-into-a-major-u-s-gasoline-supply-disruption-event/#319555b72872>

The U.S. shale oil boom of recent years, while welcome, does not change this near-total dependence on petroleum fuels, nor the associated vulnerabilities. Despite increased production and exports, we still import nearly half of the oil consumed in this country.⁵⁰ Moreover, regardless of the degree of oil imports, the TAR acknowledges that “the price impacts of an oil disruption anywhere will continue to be transmitted to U.S. markets”⁵¹ because oil is a global commodity. And Middle East and North African countries – which have triggered 8 of the 10 oil price shocks in history, and face significant threats from the rise of ISIS and Saudi/Iranian tensions – still account for 30% of global production, a share that the TAR expects to rise.⁵²

Despite this ever-present danger hanging over our country, and despite the original intent of the CAFE rules, the TAR chapter on energy security acknowledges that the present regulations will barely make a dent in this dependence. In 2025, the TAR projects that U.S. oil imports will be reduced by 169,000 barrels a day thanks to the rules – less than 6% of imports, which will continue to *rise*, not fall. And with sales of EVs and FCVs projected to be less than 2% of the total market as late as 2030⁵³ - and NGV sales not projected at all – there is no expectation for alternative fuels to break oil’s stranglehold on the transportation sector.

This does not have to be the case. As discussed in previous sections, NGVs are a proven, feasible solution for petroleum-free transportation, with 22 million on the road worldwide and currently-untapped potential for mass-market adoption here in America. In terms of a resource base, the shale gas revolution has created an enormous supply of domestic fossil natural gas supplies, and potential sources of RNG are found in communities and farms across the country. With this combination of a market-ready technology and an abundant, cleaner fuel supply, there is no reason for regulators to give up and resign the country to an oil-dependent future.

This is why restoring the “0.15 divisor” calculation for NGV emissions and removing other unreasonable restrictions on NGV incentives, as discussed earlier in these comments, is so important: not only is it justified based on the game-changing environmental benefits of RNG, but it also returns the joint EPA/NHTSA program to Congress’s original purpose in passing the Energy Policy and Conservation Act as well as the Alternative Motor Fuels Act. By effectively removing Congress’s CAFE incentives for NGVs, the current EPA rules create a conflict between environmental progress and America’s energy security that does not need to exist.

Summary and Recommendations

⁴⁹ Kate Zernike, *Gasoline Runs Short, Adding Woes to Storm Recovery*, N.Y. TIMES (Nov 1, 2012) <http://www.nytimes.com/2012/11/02/nyregion/gasoline-shortages-disrupting-recovery-from-hurricane.html?pagewanted=all>

⁵⁰ *How much petroleum does the United States import and export?* ENERGY INFORMATION ADMINISTRATION (April 4, 2017), <https://www.eia.gov/tools/faqs/faq.php?id=727&t=6>

⁵¹ Draft TAR, 10-22

⁵² *Id.*

⁵³ *Id.*, 13-64

The current rules fail to meaningfully address the massive risks to America's economic prosperity and security posed by our near-total dependence on petroleum fuels in transportation. NGVs have unsurpassed potential to provide a practical solution to this dependence, but the current EPA rules effectively undercut the original Congressional intent of the CAFE program and later Congressional incentives for NGVs by eliminating the "0.15 divisor" from emission calculations.

- The potential for NGVs to provide a mass-market solution for petroleum dependence is one more reason for pursuing the comprehensive agenda of reform for NGV regulations discussed in these comments – and making these reforms effective immediately.

NGV Reform Needed Today for 2017-2021 Targets

Issues Addressed:

- *Whether the light-duty vehicle greenhouse gas standards established for model year 2021 are appropriate.*

In addition to the MTE's original focus on the 2022-2025 standards, EPA has also requested comments on whether the standards for 2021 remain appropriate. As with the 2025 targets, we believe that automakers can indeed deliver these reductions in emissions as well as petroleum consumption – but only if they are provided with appropriate incentives that recognize the contributions that NGVs make to these goals.

For all of the reasons discussed in previous sections, we believe that the challenges of meeting the targets without NGVs pose a fundamental threat to the economic viability of U.S. automakers, and thus to the hundreds of thousands of jobs that they support. And, while this challenge is likely to become dire by 2025, it is likely that it will begin impacting automakers sooner, and potentially within the 2017-2021 timeframe. Moreover, automakers will need time to ramp up their production of NGVs, and infrastructure developers like VNG will similarly need time to build fueling networks to serve the light-duty market.

Thus, EPA's desire to review the 2021 targets is an excellent opportunity to make the recommended reforms to NGV incentives sooner, rather than waiting until 2022-2025. By reforming NGV incentives effective immediately, the industry will have the regulatory certainty needed to make these long-term investments and get to work right away. Given the importance of reducing the risks of petroleum dependence to our environment and the economy, there is simply no reason to wait.

Summary and Recommendations

Because the current disparity between the treatment of NGVs and EVs is so clearly arbitrary and contrary to real-world lifecycle GHG emissions, and because automakers need this compliance flexibility and regulatory certainty in order to confidently invest in NGV production, a reform of NGV incentives should be made effective immediately – without waiting for the 2022-

2025 period. EPA's review of the 2021 targets as part of this proceeding is an opportunity to do so.

- In the process of reviewing the 2021 targets, the agencies should adopt the recommended changes to NGV incentives discussed in these comments effective immediately.

Conclusion and Summary of Recommendations

Discussions of the future of automotive emissions are too often characterized by pessimism from all sides. On one hand, environmentalists have pushed for a widespread adoption of EVs that the EPA's own projections (e.g. the TAR) show is decades away, with very limited penetration projected through 2025. On the other hand, the auto industry argues that it has no way to keep consumers from buying larger and more-polluting vehicles, nor any way to cost-effectively reduce their emissions. And those hoping for an end to the U.S.'s decades-long vulnerability to shocks from global oil markets have little hope at all.

This picture is so gloomy because NGVs are wrongly absent from the conversation. Proven, practical NGV technology and RNG fuel can benefit light truck drivers and the environment in the near term at competitive costs, and next-generation NGVs - with high-octane engines fueled by both RNG and hydrogen-enriched gas - have the potential to dramatically improve the trajectory of these vehicles for decades to come. And with America's unrivaled gas resources, NGVs also have the potential to finally break our near-total dependence on petroleum-based fuels with an affordable, cleaner, domestically-abundant fuel.

The MTE is a critical opportunity for the agencies to correct this glaring oversight. By seriously studying the promise of NGVs and by including a robust suite of incentives for their deployment comparable to those provided to EVs, the agencies can offer a compromise to please all sides. The existing targets for 2025 can be maintained as environmentalists wish; automakers can have an expanded set of compliance pathways that address their area of biggest need - light trucks and full-size pickups; and individual consumers get the vehicles they want and need while reducing petroleum dependence and environmental impacts at a reasonable cost.

In doing so, the agencies can deliver a win-win-win for America in line with the "pro-environment, pro-growth" philosophy espoused by this Administration.⁵⁴ VNG looks forward to working with the agencies as the MTE process continues to create a final rule that reduces emissions and petroleum dependence while boosting the domestic economy through maximizing our country's unsurpassed traditional fossil and renewable natural gas resources.

⁵⁴ *EPA chief: Trump's energy order sends 'pro-growth, pro-environment message'*, Fox News (Mar. 29, 2017), <http://www.foxnews.com/politics/2017/03/29/epa-chief-trumps-energy-order-sends-pro-growth-pro-environment-message.html>.

As a final summary, we recommend the following changes to the rules:

- NGV emissions calculations should return to the “0.15” divisor effective immediately, with emissions calculated as 85% below a gasoline vehicle. This is both justified by the real-world emissions benefits of RNG and is consistent with the CAFE program. The potential for future improvements to NGV emissions from advanced engine technologies, as well as synergies with hydrogen FCVs, provides further justification for this incentive.
 - We recommend reinstating language from the MY 2011-2016 regulations under 40 C.F.R. § 600.510–12, *Calculation of average fuel economy and average carbon-related exhaust emissions*: “For natural gas-fueled model types . . . the carbon-related exhaust emissions value calculated for that model type in accordance with paragraph (b)(2) of this section multiplied by 0.15 and rounded to the nearest gram per mile, except that manufacturers complying with the fleet averaging option for N₂O and CH₄ as allowed under § 86.1818 of this chapter must perform this calculation such that N₂O and CH₄ values are not multiplied by 0.15.”
- Offer a “Natural Gas Pickup” incentive similar to current hybrid-electric and “performance-based” pickup credits; however, for the natural gas pickup credit, minimum deployment thresholds should be eliminated to reflect the greater market challenges faced by NGVs - since, unlike hybrid-electrics, they use an alternative fuel.
 - This goal could be accomplished by inserting a new section (c) under 40 C.F.R. § 86.1870–12, *CO₂ credits for qualifying full-size pickup trucks*, titled “Credits for implementation of natural gas technology.” The structure of these credits would be similar to those for sections (a) and (b), but with reduced or eliminated requirements for the “required minimum percent of full size pickup trucks.”
- Remove the utility factor requirements for a 2:1 ratio of CNG-to-gasoline range, as well as the requirement for dual-fuel NGVs to only use gasoline when the CNG tank is empty.
 - This could be achieved by deleting the requirements in 40 C.F.R. § 600.510–12, *Calculation of average fuel economy and average carbon-related exhaust emissions*, part (c)(2)(vii)(B) for fuel economy and (j)(2)(vii)(B) for emissions.
- Incorporate the potential for use of natural gas when setting targets for practical, achievable emissions improvements for light trucks and full-size pickups. Modeling used to set achievable emissions curves for pickups and light trucks should include natural



gas as a proven technology at costs based on high-volume adoption, not their current incremental costs at low production volumes.

- Allow EPA-certified converters to “opt in” to the program and generate credits for CNG retrofits and upfits that can subsequently be sold to automakers.
- Provide emission credits for CNG “prep packages” that reduce the costs of subsequent conversion to natural gas, as part of the off-cycle credit technologies listed at 40 C.F.R. § 86.1869–12, *CO₂ credits for off-cycle CO₂-reducing technologies*.

Respectfully submitted,

Robert C. Atkinson
Chief Regulatory Officer
VNG.co LLC
rcatkinson@vng.co
908-447-4201

Message

From: Byers, Dan [DByers@USChamber.com]
Sent: 1/3/2018 5:58:47 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: EIA

Here is our summary of EIA AEO economic impacts of the CPP:

<https://www.globalenergyinstitute.org/sites/default/files/EIA%20CPP%20Final%20Rule%20Analysis%20Final%20Formatted%20Single%20Column.pdf>

Message

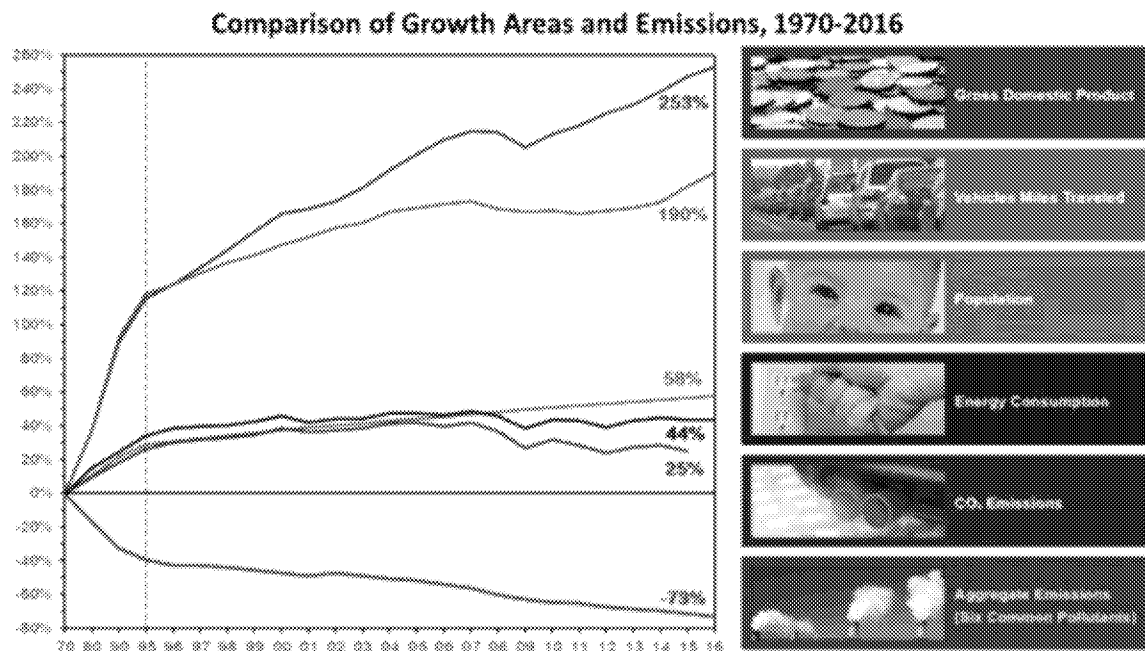
From: Karen Harbert [globalenergy@uschamber.com]
Sent: 4/26/2018 6:46:16 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Visualizing the U.S. Clean Air Success Story

Clearing the Air on Cleaning the Air



Dear Brittany:

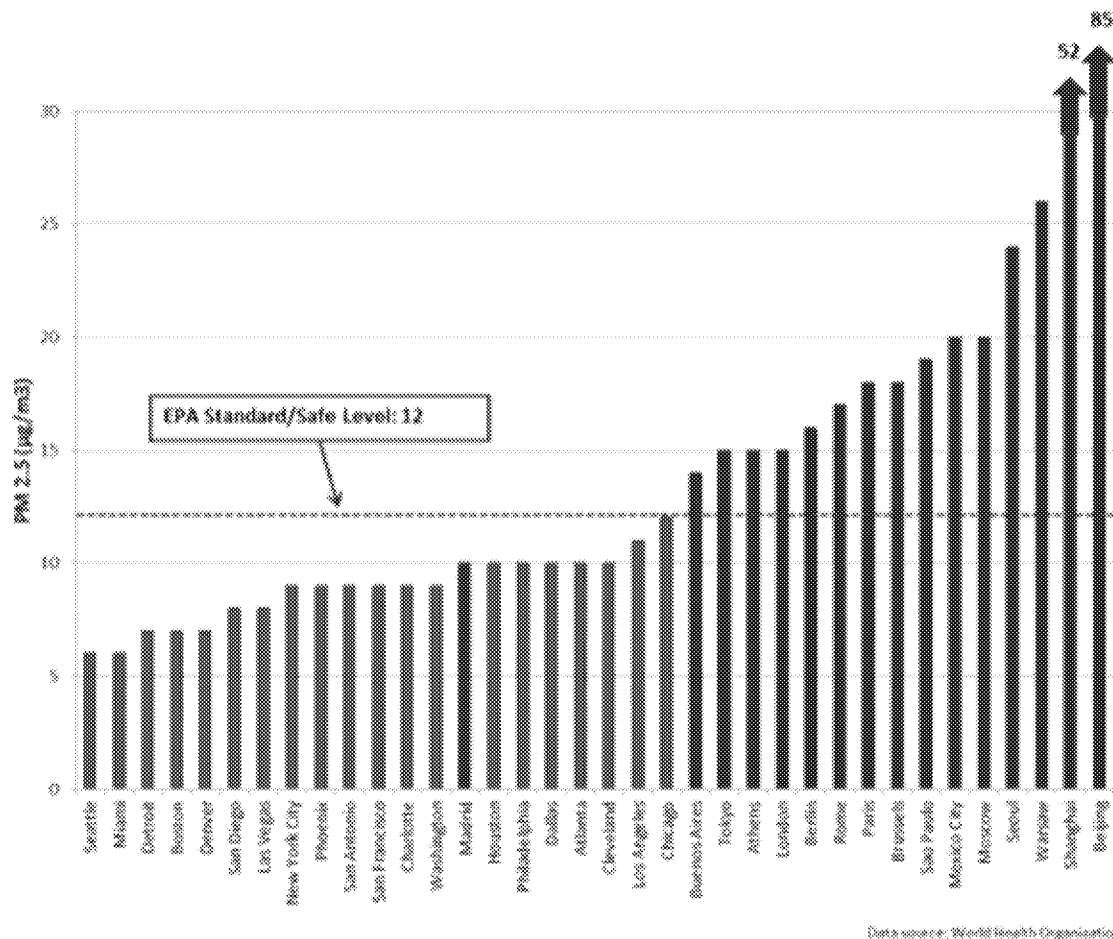
Pop quiz: How clean is the air in the United States? How about where you live? If you're like many Americans, you may answer that air quality is not so good, and may even think it is trending worse. This is simply not the case. As the recently released graphic from EPA illustrates, nationwide pollution levels have decreased 73% since 1970, all while the U.S. economy and population have grown substantially.



Unfortunately, despite this good news, public polling typically shows that American's opinions of air quality have worsened. This is surely due in part to misleading reports and news articles that paint a pessimistic view.

To help set the record straight, El's Dan Byers has a [new blog](#) showing how air quality in several U.S. cities, like Dallas, Milwaukee and Las Vegas, has steadily improved at the same time their economies and population have grown, and how U.S. cities stack up against other major cities around the world. Did you know that Houston has cleaner air than Paris, London and Rome?

Comparison of PM 2.5 Air Quality Levels in Major Global Cities



These statistics show undeniably that our air quality has greatly improved all while America has experienced economic growth and increased energy and industrial production. These achievements are the product of a truly cooperative system involving EPA, states, industry, and environmental advocates working together on countless issues to advance technology and policy in a manner that fosters economic growth.

Some have referred to these achievements as "the greatest environmental story seldom told." We hope you will join us in helping to set the record straight, and instead make it the greatest story **often told.**

Sincerely,



Karen A. Harbert
President and CEO
Global Energy Institute
U.S. Chamber of Commerce

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1615 H Street, NW
Washington, DC | 20062 US

This email was sent to bolen.britlany@epa.gov.
To continue receiving our emails, add us to your address book.



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COMMERCE" are registered trademarks of the
Chamber of Commerce of the United States of
America.

From: Kovacs, William [WKovacs@USChamber.com]
Sent: 4/11/2017 1:23:07 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: ICYMI: 16 States Urge 4th Circ. To Uphold Coal Jobs Analysis Order

Brittany:

See article below in Law 360 regarding Section 321 and the Murray case. This case represents the first time in almost 40 years that an evaluation of the impact of regulations on jobs would be required.

Best,

Bill Kovacs
Senior Vice President, Environment, Technology & Regulatory Affairs
U.S. Chamber of Commerce
1615 H Street, NW
Washington, DC 20062-2000

Ex. 6

16 States Urge 4th Circ. To Uphold Coal Jobs Analysis Order

Share us on: By **Juan Carlos Rodriguez**

Law360, New York (April 10, 2017, 4:27 PM EDT) -- West Virginia and 15 other states on Friday asked the Fourth Circuit to uphold a district judge's order compelling the U.S. Environmental Protection Agency to evaluate the consequences of its air pollution regulations on jobs.

The states said they face "unique challenges" resulting from the lack of information about the impact of regulations on jobs caused by the EPA's alleged lack of compliance with Section 321 of the Clean Air Act, which directs the EPA to conduct evaluations of potential loss or shifts of employment that may result from regulations.

"States need Section 321 information to assist in advancing their sovereign interest in promoting economic prosperity among their citizens, particularly when EPA's CAA actions may negatively impact state economies," the states' brief said. "The type of information evaluated by EPA under Section 321 is important because it can help states anticipate and mitigate those negative impacts."

The brief also said that information related to jobs gleaned under Section 321 can be useful for preparing state budgets.

"Unexpected declines in those industries affected by CAA regulations and the resulting tax revenue shortfalls threaten to leave states facing difficult decisions about how best to prioritize competing public interests," the states said.

The dispute over the information began when Murray Energy Corp. and other coal industry players accused the EPA of failing to gather that information, and West Virginia U.S. District Judge John Preston Bailey **agreed in October**. The judge ordered the EPA to come up with a an analysis of the impact of its regulatory and enforcement actions under the CAA on coal mining and power generating industries by July 1.

The EPA, however, has appealed that ruling, arguing that there was no CAA violation that warranted such a remedy. The agency said the district court lacked jurisdiction because Section 321(a) does not impose a nondiscretionary duty and Section 321(a)'s "continuing evaluations" aren't subject to a deadline and don't stand alone as distinct tasks, so they cannot be compelled in a nondiscretionary duty suit.

It also said Judge Bailey lacked jurisdiction at the summary judgment stage because Murray's allegation that the coal industry, in general, is economically harmed when the EPA regulates under the act isn't an injury that is either specific to the company or traceable to the EPA's duties under Section 321. Nor can the alleged economic damage be remedied by Section 321 studies, the EPA said.

The other states are Arizona, Arkansas, Georgia, Kansas, Louisiana, Michigan, Nebraska, Nevada, Ohio, Oklahoma, South Carolina, Texas, Utah, Wisconsin and Wyoming.

The states are represented by their attorneys general.

The EPA is represented by Matthew Littleton, Jennifer Scheller Neumann, Patrick R. Jacobi, Richard Gladstein, Laura J.S. Brown and Sonya Shea of the U.S. Department of Justice, and Gautam Srinivasan and Matthew C. Marks of the EPA.

The case is Murray Energy Corp. et al. v. Administrator, U.S. Environmental Protection Agency, number 16-2432, in the U.S. Court of Appeals for the Fourth Circuit.

--Additional reporting by Keith Goldberg. Editing by Stephen Berg.

Message

From: Kovacs, William [WKovacs@USChamber.com]
Sent: 4/5/2017 9:52:07 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Section 321 (a) of the CAA
Attachments: 101309 Senate Letter to Lisa Jackson re Section 321.pdf; Murray Energy v. McCarthy.docx

Importance: High

Brittany:

This is to update you on the long term congressional effort to have EPA implement section 321(a) of the Clean Air Act which mandates the agency undertake a continuing evaluation of the job impact of its regulations. The Senate has been involved in this issue since 2009 when six Senators sent a letter to EPA Administrator Jackson and requested that EPA implement section 321(a) of the Clean Air Act. (A copy of the original letter is attached.) The section requires EPA to undertake a continuing analysis of the job impacts of its regulations. While the Obama administration refused to implement that section the Murray Energy Company sued EPA in a WVA Federal court and won. The court issued a mandatory injunction against EPA mandating that it implement the jobs analysis mandate. EPA appealed a few days after the new administration took office. Unfortunately with all that is going on the administration is proceeding as if the Obama administration is still running EPA. Oral argument on the appeal is May 9th in the Fourth Circuit Court of Appeals. The government must file its briefs by mid – April.

Also attached is a short description of the Murray litigation and the importance of the case to protecting jobs.

Presently there is being prepared a joint House – Senate letter to the administrator that talks about the benefits of the jobs analysis should EPA decide to withdraw the appeal. The administrator should receive it in a few days.

Thanks for any consideration you give to this matter.

Best wishes,

Bill Kovacs
Senior Vice President, Environment, Technology & Regulatory Affairs
U.S. Chamber of Commerce
1615 H Street, NW
Washington, DC 20062-2000

Ex. 6

United States Senate

WASHINGTON, DC 20510

October 13, 2009

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

We write to request the results of your continuing Section 321(a) evaluation of potential loss or shifts of employment which may result from the suite of regulations EPA has proposed or finalized that address greenhouse gases under provisions of the Clean Air Act, including threatened plant closures or reductions in employment that may result from the administration or enforcement of such regulations.

As you know, Section 321(a) of the Act (42 U.S.C. § 7621(a)) states:

Continuous evaluation of potential loss or shifts of employment. The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provision of this chapter and applicable implementation plans, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement.

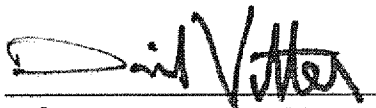

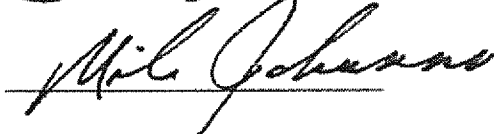
Additionally, we are interested in any information EPA may have developed on loss or shifts in employment should the "PSD Tailoring" rule be overturned in court. We are also especially interested in the following Clean Air Act proposed regulations, and any additional regulations which EPA anticipates promulgating to control GHGs once the motor vehicle greenhouse gases emissions standards are made final:

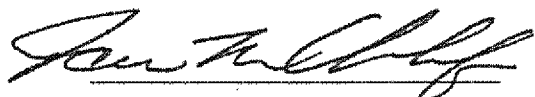


- Mandatory Reporting of Greenhouse Gases (EPA Docket No. EPA-HQ-OAR-2008-0508)
- Proposed Rulemaking To Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards (EPA Docket No. EPA-HQ-OAR-2009-0472), including the impact of triggering PSD and title V requirements for stationary sources under the Clean Air Act if and when the proposed mobile source rule is finalized
- Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act (EPA Docket No. EPA-HQ-OAR-2009-0171)

- Proposed Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by the Federal PSD Permit Program (EPA Docket No. EPA-HQ-OAR-2009-0597)

We ask that you share the results of your continuing evaluation of potential plant closures, reductions in employment and related losses which may result from the administration or enforcement of the above-referenced Clean Air Act regulations.

Sincerely,

The Importance of *Murray Energy Corp. v. McCarthy*

Background

Murray Energy Corp. (Murray) sued EPA for failing to comply with section 321(a) of the Clean Air Act (CAA),¹ which requires the agency to continuously evaluate potential losses or shifts of employment resulting from administration or enforcement of the CAA. Murray argued that EPA has not evaluated the job losses and job shifts within the coal industry that have resulted from CAA rules. On October 17, 2016, the court granted summary judgment to Murray, and entered a Memorandum Order requiring EPA to provide a plan and schedule for compliance with §321(a) within two weeks.

EPA responded to the court's order on October 21, 2016, stating that the agency would comply with §321(a) only because of the court's order, that the timeframes are too short, and that it will take EPA about two years to develop a methodology to use to comply.

The Court's January 11, 2017 Final Order

The court issued a Final Order on January 11, 2017 that sharply rebuked the agency and ordered that specific actions be completed by court-ordered deadlines. The court noted that EPA's October 31 response "evidences the continued hostility on the part of the EPA to acceptance of the mission established by Congress."²

The court demonstrated through legislative history that "Congress unmistakably intended to track and monitor the effects of the Clean Air Act and its implementing regulations on employment in order to improve the legislative and regulatory processes."³ For example, the court cites the House Committee Report accompanying the 1977 CAA amendments as clarifying that §321(a) was added to address concerns about "the extent to which the Clean Air Act or other factors are responsible for plant shutdowns, decisions not to build new plants, and consequent losses of employment opportunities."⁴

¹ 42 U.S.C. §7621(a).

² Final Order at 2.

³ *Id.* at 3.

⁴ H.R. Rep. 95-294, at 316, 1977 U.S.C.C.A.N. 1077,1395.

Considering the practical impact of §321(a), the court observed that EPA must both track and monitor the effects of the Clean Air Act and its implementing regulations on employment, and evaluate the **cause of specific** job dislocations.⁵ Thus, EPA is both **prospectively** investigating threatened plant closures or reductions in employment and **retrospectively** evaluating any actual closures or reductions which are alleged to have occurred because of CAA requirements.⁶

The court noted that evidence had been introduced that EPA itself had developed a evaluation tool called the Economic Dislocation Early Warning System (“EDEWS”), which the agency used beginning in 1972 to identify at-risk workers, track actual worker dislocations and potential community impacts, and identify root causes.⁷ Through the EDEWS program, EPA was able to identify threatened, actual, and avoided worker dislocations. The program was intended to bring into play any government program available to provide financial assistance which would **prevent plant closings or production curtailments**.⁸ In the first ten years, the EDEWS program identified actual closures or curtailments at 155 plants and the dislocation of 32,899 workers resulting from environmental requirements.⁹

In response to requests from six Senators in 2009, two House members in 2010, a 2011 request from the House Oversight Committee, another 2011 request from Senator Vitter, a request from the Senate Environment and Public Works Committee in 2013, and a request from the House Science Committee in November 2013, EPA consistently argued that it interpreted §321(a) not to require any analysis apart from the standard Regulatory Impact Analysis (RIAs), and any further analysis would be of “limited utility.”¹⁰

After finding that the record shows that RIAs do not satisfy the objectives of §321(a) because they seek essentially different information, the court next found that EPA’s Science Advisory Board **already** reviewed EPA guidelines for estimating plant closures and employment impacts, but stated that EPA inexplicably deleted sections of the guidelines that dealt with these effects.¹¹

⁵ Final Order at 9.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 11.

⁹ *Id.*

¹⁰ *Id.* at 11-15.

¹¹ *Id.* at 19-20.

The court next stated that “EPA cannot redefine statutes to avoid complying with them. The record in this case demonstrates hostility on the part of the EPA to doing what is ordered by §321(a).”¹²

The court ordered EPA to (a) prepare and submit to the Court a §321(a) evaluation of the coal industry and other entities affected by **the rules and regulations affecting the coal mining and power generating industries** as expeditiously as possible and by **no later than July 1, 2017**, (b) identify facilities at risk of closure or loss of employment because of regulations, (c) evaluate the impacts of plant closures or loss of employment on communities and families, (d) evaluate coal mines and coal-fired power plants that have closed reduced employment since January 2009, and evaluate whether CAA requirements caused the impacts, and (e) identify impacts on subpopulations such as minority groups.¹³

EPA is further ordered to show by **December 31, 2017** that it has adopted measure to comply with §321(a) in the future.

EPA’s Appeal of the Order

On February 3, 2017, EPA appealed the court’s order to the Fourth Circuit Court of Appeals. The agency requested that the appeals court set an expedited schedule for the case. EPA seeks an expedited schedule based on its assertion that the order imposes a "significant" burden. EPA specifically cites the difficulty in obtaining the data for a §321(a) analysis and complying with OMB’s information collection requirements and Information Quality Act by July 1, 2017. Under the schedule proposed by EPA, Murray Energy would have to file its brief with the Fourth Circuit by **March 31, 2017**.

On February 8, the Fourth Circuit consolidated EPA’s appeal of the January 11, 2017 order with the Obama administration's earlier appeal of the October 21, 2016 order. The Court also consolidated an appeal by three West Virginia environmental groups of the district court’s denial of their request to intervene in the lawsuit. The environmental groups are known as the Mon Valley Clean Air Coalition.

¹² *Id.* at 21.

¹³ *Id.* at 26-27.

The Importance of the *Murray Energy* Decision

In 1977, Congress was clearly concerned that major environmental regulations were having major economic effects on key industries (steel, mining, autos, energy, etc.). Section 321 of the Clean Air Act, and equivalent sections of other statutes, were incorporated into environmental statutes to help manage the balance between economic growth and environmental protection. By getting essentially real-time data on prospective and retrospective employment effects of regulations, Congress and the public would get critical information about the desired stringency and timing of major new requirements. Major new requirements for a specific industry could be phased in and/or sequenced with contemporaneous rules to avoid overwhelming that industry. Workers in an industry likely to be hard hit by environmental rules could get early warning of difficult times ahead. And EPA would have a better sense of economic tradeoffs anticipated as a result of new environmental restrictions.

When EPA refused to comply with §321, and took the stance that an employment analysis has “limited utility,” Congress and the public lost the opportunity to make “mid-course corrections” to the environmental regulatory effort. The *Murray Energy* decision restores the opportunity to have EPA account for the localized employment consequences of EPA’s wide-scale regulation of the economy. Because the employment consequences are so critical in coal communities and other struggling areas of the country, it is critical that the district court’s decision stands.

Recommended Action

EPA and the Department of Justice (DOJ) have the option to cease the appeal of the *Murray Energy* case and withdraw. This would mean that EPA will be required to comply with the district court’s January 11, 2017 order. As discussed above there are important policy reasons to withdraw the appeal and take steps to complete a §321(a) evaluation in accordance with the district court’s order.

As the district court has noted, Congress unambiguously directed EPA to conduct § 321(a) studies on a continuous basis. EPA has never complied with the statutory mandate. This type of information, which Congress believed was sufficiently important to include similar employment evaluation requirements in other environmental statutes such as the Clean Water Act,¹⁴ is more valuable than ever as

¹⁴ 33 U.S.C. § 1367(e).

the new administration considers policy changes at EPA. It is critically important that EPA now establishes a strong precedent of conducting this evaluation and signaling that job losses and job displacements are taken seriously in this new administration.

EPA should instruct DOJ to take immediate action to withdraw its appeal of *Murray Energy Corp. v. McCarthy*.

[PAGE * MERGEFORMAT]

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

WILLIAM L. KOVACS
SENIOR VICE PRESIDENT
ENVIRONMENT, TECHNOLOGY &
REGULATORY AFFAIRS

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5457

May 9, 2017

VIA ELECTRONIC FILING

The Office of Regulatory Policy and Management
Office of Policy
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Mail Code 1803A
Washington, DC 20460

**Re: Response to EPA's April 13, 2017, Request for Comments on Evaluation of
Existing Regulations (Docket ID No. EPA-HQ-OA-2017-0190)**

The U.S. Chamber of Commerce (Chamber), the world's largest business federation representing the interests of more than 3 million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, offers these comments in response to Environmental Protection Agency's (EPA's) April 13, 2017, request to identify regulations that eliminate jobs or inhibit job creation, are outdated, impose costs exceeding benefits, create serious inconsistencies, or rely on data not publicly available or insufficiently transparent to meet the standard of reproducibility. Below are the comments of the Chamber that address your inquiry.

The Chamber has identified many such regulations in responses to the recent Request for Information (RFI) from the Department of Commerce.¹ The RFI stemmed from the January 24, 2017, Executive Memorandum regarding impacts of federal regulations on domestic manufacturing. Below is a link to the Chamber's comments to the Department of Commerce.

Perhaps as important as identifying bad regulations that should be modified or repealed is identifying bad regulatory policy that is embedded in agency programs. Once established, bad regulatory policy continues to affect future rulemakings and stacks the deck against the possibility of producing a good regulation by undermining open, transparent, careful, and well-informed regulatory processes. From the failure to conduct statutorily mandated §321(a) jobs analyses, to over-reliance on fine particulate matter co-benefits to justify virtually all of its rules, EPA over the years has embedded bad regulatory policy into the agency's programs. The

¹ Those comments can be found at <https://www.regulations.gov/docket?D=DOC-2017-0001>, with U.S. Chamber comments specifically found at <https://www.regulations.gov/document?D=DOC-2017-0001-0107>.

Chamber has reiterated the importance of fixing these programmatic deficiencies and continues to believe that correcting them will go a long way to improving EPA rulemaking outcomes.

1. EPA Has for Decades Failed to Implement Congressional Mandates to Evaluate the Impact of Its Regulations on Jobs

Since 2011 the Chamber has repeatedly requested that EPA implement §321(a) of the Clean Air Act (CAA), which requires EPA to continuously evaluate potential losses or shifts of employment resulting from administration or enforcement of the CAA.² Moreover, during that time period and up to April 7, 2017, members of Congress have written to EPA asking it to implement §321(a) of the CAA.³ Finally, EPA, in responses to Freedom of Information Act requests submitted by the Chamber, admitted it could not find any documents establishing any activity to implement §321(a) of the CAA.⁴ Without implementation of this provision neither EPA nor Congress will have relevant information about the impact of CAA regulations on jobs. Congress mandated that EPA provide this information on the impact of regulation on jobs and EPA should provide it.

On March 24, 2014, Murray Energy Corp. (Murray), in an attempt to have EPA implement §321(a) of the CAA, sued EPA for failing to comply with §321(a).⁵ Murray argued that EPA has not evaluated the job losses and job shifts within the coal industry that have resulted from CAA rules. On October 17, 2016, the court granted summary judgment to Murray and entered a Memorandum Order requiring EPA to provide a plan and schedule for compliance with §321(a) within two weeks.

EPA responded to the court's order on October 31, 2016, stating that the agency would comply with §321(a) of the CAA only because of the court's order, but that the time frames ordered are too short and it will take EPA about two years to develop a methodology to use to comply.

The court issued a Final Order on January 11, 2017, that sharply rebuked the agency and ordered that specific actions be completed by court-ordered deadlines. The court noted that EPA's October 31, 2016, response "evidences the continued hostility on the part of the EPA to acceptance of the mission established by Congress."⁶

² Testimony before the House Committee on Energy and Commerce, Subcommittee on Environment and the Economy, Regulation Chaos: Finding Legislative Solutions to Benefit Jobs and the Economy, <https://www.uschamber.com/testimony/testimony-regulating-chaos-finding-legislative-solutions-benefit-jobs-and-economy>.

³ Letter from Senators Vitter, Risch, Johanns, Inhofe, Ensign, and Hatch to EPA Administrator Lisa Jackson, October 13, 2009; Letter from Senator Fischer and Representative John Ratcliffe (cosigned with 52 additional members of Congress) to U.S. Attorney General Jeff Sessions and EPA Administrator Scott Pruitt, April 7, 2017.

⁴ Letter from Jim DeMocker, Acting Director, EPA Office of Policy Analysis and Review to William L. Kovacs, U.S. Chamber of Commerce, Freedom of Information Request No. EPA-HQ-2012-001352 (June 14, 2013).

⁵ 42 U.S.C. §7621(a).

⁶ Final Order at 2.

The court demonstrated through legislative history that “Congress unmistakably intended to track and monitor the effects of the Clean Air Act and its implementing regulations on employment in order to improve the legislative and regulatory processes.”⁷ For example, the court cites the House Committee Report accompanying the 1977 CAA amendments as clarifying that §321(a) was added to address concerns about “the extent to which the Clean Air Act or other factors are responsible for plant shutdowns, decisions not to build new plants, and consequent losses of employment opportunities.”⁸ EPA has never complied with the statutory mandate.

Considering the practical impact of §321(a), the court observed that EPA must both track and monitor the effects of the Clean Air Act and its implementing regulations on employment, and evaluate the **cause of specific** job dislocations.⁹

The court noted that evidence had been introduced that EPA itself had developed an evaluation tool called the Economic Dislocation Early Warning System (EDEWS), which the agency used beginning in 1972 to identify at-risk workers, track actual worker dislocations and potential community impacts, and identify root causes.¹⁰ Through the EDEWS program, EPA was able to identify threatened, actual, and avoided worker dislocations. The program was intended to bring into play any government program available to provide financial assistance, which would **prevent plant closings or production curtailments**.¹¹ In the first 10 years, the EDEWS program identified actual closures or curtailments at 155 plants and the dislocation of 32,899 workers resulting from environmental requirements.¹²

The court next stated that “EPA cannot redefine statutes to avoid complying with them. The record in this case demonstrates hostility on the part of the EPA to doing what is ordered by §321(a).”¹³

The court ordered EPA to (a) prepare and submit to the Court a §321(a) evaluation of the coal industry and other entities affected by **the rules and regulations affecting the coal mining and power generating industries** as expeditiously as possible and by **no later than July 1, 2017**; (b) identify facilities at risk of closure or loss of employment because of regulations; (c) evaluate the impacts of plant closures or loss of employment on communities and families; (d) evaluate coal mines and coal-fired power plants that have closed or reduced employment since January 2009, and evaluate whether CAA requirements caused the impacts; and (e) identify impacts on subpopulations such as minority groups.¹⁴

EPA is further ordered to show by December 31, 2017, that it has adopted measures to comply with §321(a) in the future.

⁷ *Id.* at 3.

⁸ H.R. Rep. 95-294, at 316, 1977 U.S.C.C.A.N. 1077,1395.

⁹ Final Order at 9.

¹⁰ *Id.*

¹¹ *Id.* at 11.

¹² *Id.*

¹³ *Id.* at 21.

¹⁴ *Id.* at 26–27.

On February 3, 2017, EPA appealed the court's order to the Fourth Circuit Court of Appeals. The agency requested that the appeals court set an expedited schedule for the case. EPA seeks an expedited schedule based on its assertion that the order imposes a "significant" burden. EPA specifically cites the difficulty in obtaining the data for a §321(a) analysis and complying with Office of Management and Budget's "OMB" information collection requirements and the Information Quality Act by July 1, 2017. Oral argument is to be held on May 9, 2017.

The Importance of the *Murray Energy* Decision

In 1977 Congress was clearly concerned that major environmental regulations were having major economic effects on key industries (steel, mining, autos, energy, etc.). Section 321 of the CAA, and equivalent sections of other statutes, were incorporated into environmental statutes to help manage the balance between economic growth and environmental protection. By getting essentially real-time data on prospective and retrospective employment effects of regulations, Congress and the public would access critical information about the desired stringency and timing of major new requirements. Major new requirements for a specific industry could be phased in and/or sequenced with contemporaneous rules to avoid overwhelming that industry. Workers in an industry likely to be hard hit by environmental rules could get early warning of difficult times ahead. And EPA would have a better sense of the economic tradeoffs anticipated as a result of new environmental restrictions.

The importance of §321(a) of the CAA is not merely theoretical. An April 17, 2017, report by the Institute for Energy, Economics, and Financial Analysis identifies a total of 24 coal-fired units at 14 plants set to be retired in 2017 and 22 more units at 11 plants in 2018.¹⁵

Recommended Action

EPA and the Department of Justice have the option to withdraw the appeal of the *Murray Energy* case. This would mean that EPA will agree to comply with the district court's January 11, 2017, order and conduct the continuous evaluation of the impact on jobs of its regulations.

2. The Actual Cost of EPA Regulations Is Even Greater Than the Agency Estimates

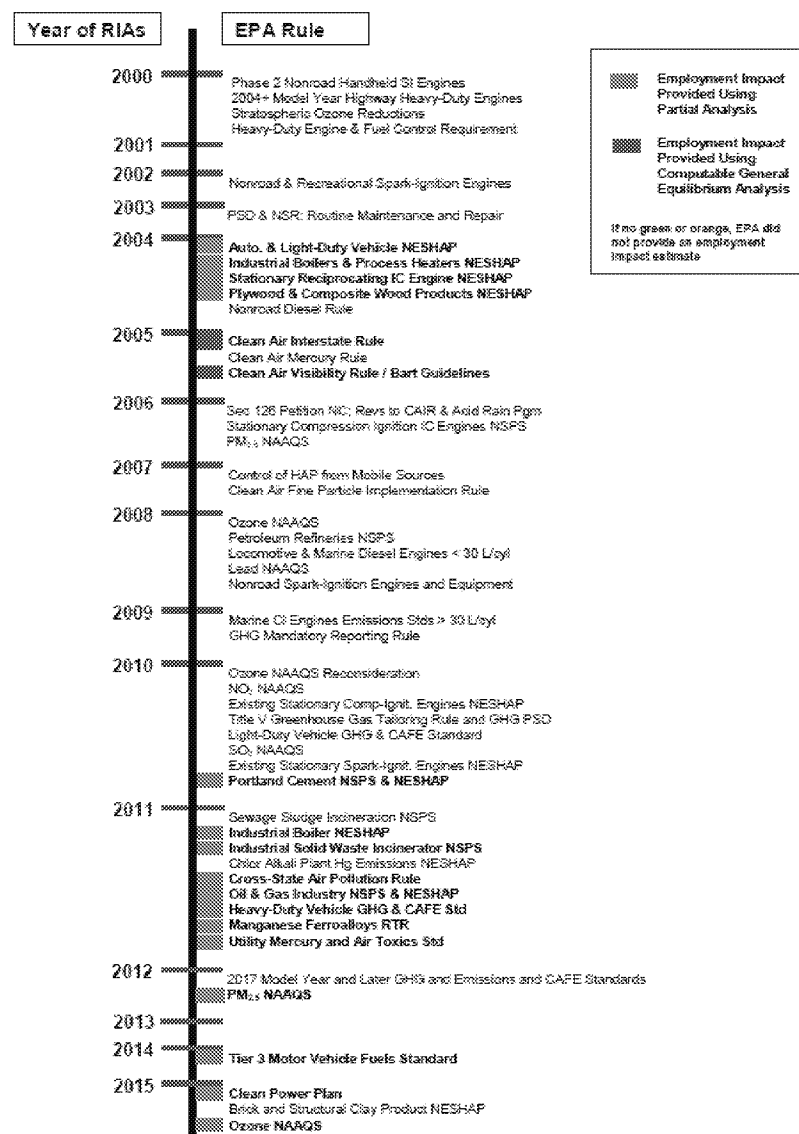
Although EPA has never conducted a proper §321(a) evaluation of job losses from its regulations, in recent years it has routinely claimed that its regulations actually create new jobs. EPA accomplishes this sleight of hand "jobs analysis" by focusing on only one specific portion of the analysis while ignoring most of the impacts. Specifically, EPA consistently conducts only a partial equilibrium economic analysis so that it can assert that each regulation creates more jobs than it eliminates. A result of this partial equilibrium economic analysis is that EPA estimates only the jobs created to ensure compliance while completely ignoring the economy-wide impact of its regulations on jobs and the economy. In many cases this methodology even

¹⁵ Link to report: <http://ieefa.org/wp-content/uploads/2017/04/Research-Brief-U.S.-Coal-Phase-Out-Blow-by-Blow-April-2017.pdf>.

allows EPA to claim that jobs within the regulated industry will not be lost, because it simply assumes that regulated firms can and will pay the costs of the regulation without changing how they conduct business. For instance, in the report *Impacts of Regulations on Employment: Examining EPA's Oft-Repeated Claims that Regulations Create Jobs*, NERA Economic Consulting modeled the economy-wide impacts of EPA's Mercury and Air Toxic Standards "MATS" rule on electric utility emissions. While EPA claimed that the rule would create a modest number of jobs from regulatory compliance and oversight activities, NERA found that the broader impacts of the rule would be massive economic costs from higher electricity prices, leading to the loss of as many as 215,000 jobs over initial years of compliance.

The chart below illustrates that out of 56 rules for which EPA prepared a Regulatory Impact Analysis from 2000 through 2015, EPA employed the whole economy or economy-wide model only twice.

Timeline of Air Regulatory Impact Analyses Found to Contain Employment Impact Estimates



PRODUCED BY THE
ENVIRONMENT, TECHNOLOGY & REGULATORY AFFAIRS DIVISION



3. Use of Economy-Wide Modeling Could Improve EPA's Consideration of Employment Impacts in Clean Air Act Rulemakings

In March 2015 EPA requested that the Science Advisory Board (SAB) form a panel to examine the use of economy-wide modeling in examining the costs and benefits of EPA air regulations. The SAB panel has held several meetings and teleconferences in the past year and a half.

The business community has supported and advocated for the use of economy-wide modeling in examining the costs and benefits of Clean Air Act regulations in order to more fully and accurately portray the effects of these regulations. Specifically, as noted previously, economy-wide modeling of CAA regulations could be used to fulfill EPA's congressionally mandated duties under §321(a). Economy-wide modeling could fulfill at least the statutory requirement to conduct prospective job loss and displacement analysis.

The SAB panel is scheduled to meet on May 24, 2017, to discuss the draft responses from EPA's National Center for Environmental Economics and the Office of Air and Radiation on economic analysis for air regulations.

Recommendation Action

It will be imperative that the new administration participate in the May 24, 2017, hearing and closely review any recommendations made by the panel. EPA should determine whether the SAB panel's recommendations will improve the agency's cost-benefit methodologies, particularly the accounting for employment impacts and the adequate consideration of both the benefits and the costs of any proposed air regulations.

4. Reforming EPA's Excessive Regulatory Overreach Will Result in Major Regulatory Reform

In April 2017 the Chamber released its report *Taming the Administrative State: Identifying Regulations that Impact Jobs and the Economy*.¹⁶ The study analyzed the number and type of regulations that impose the greatest cost on the business community, consumers, and ultimately the U.S. economy. The analysis examined federal rules finalized from 2008 to 2016 and found that only 140 regulations out of more than 32,000 had costs exceeding \$100 million annually. Also, it found that in the same time period only 28 regulations had a cost of more than \$1 billion annually.

The report identifies the most costly and transformative regulations so that Congress and federal agencies are better able to develop a process that will ensure future regulations achieve congressional intent and avoid agency overreach. Additionally, the report identified each of the 140 regulations and the cost of those regulations, as estimated by the promulgating agency.

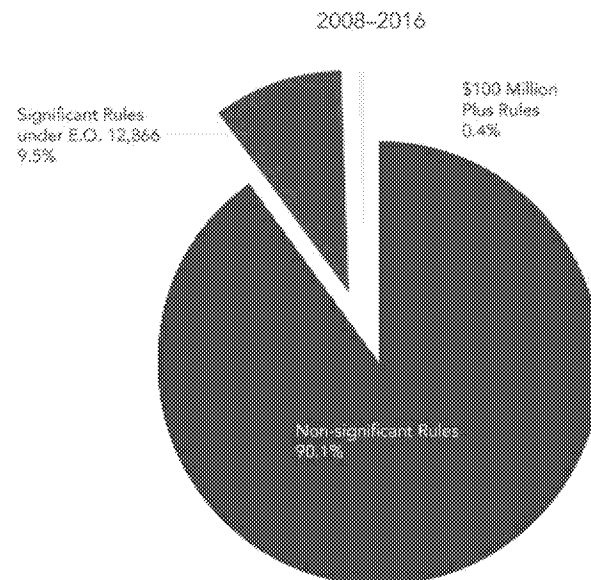
¹⁶ Link to report:

https://www.uschamber.com/sites/default/files/taming_the_administrative_state_report_march_2017.pdf.

Findings: Taming EPA Is the Most Critical Step in Taming the Administrative State

From 2008 through 2016, regulatory agencies issued 32,882 new rules. Of those, about 1 in 10 (3,261 total) were considered “significant” and subjected to greater scrutiny because they are more likely to impose compliance burdens. However, virtually all of the actual regulatory burden, as measured by the estimated annual cost of each rule, is borne by just 140 regulations over the nine-year study period. Thus, a very small percentage of rules, just 0.4% of the total, is responsible for most of the regulatory burden. The pie chart below illustrates just how few regulations are responsible for most of the regulatory costs.

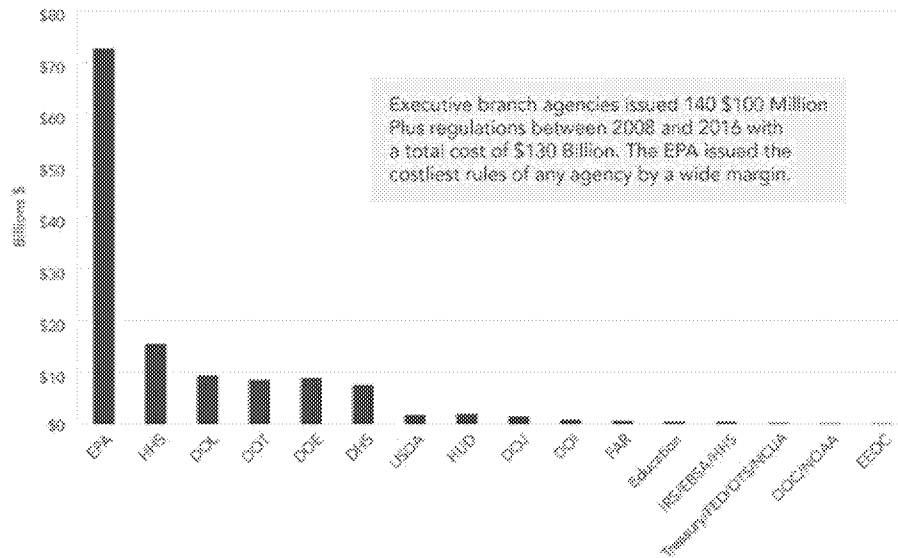
THE PERCENTAGE OF REGULATIONS BY CATEGORY



U.S. Chamber Environment, Technology, and Regulatory Affairs Division

The burden imposed by the 140 \$100 million plus rules over the period 2008 through 2016 is \$130 billion in annual cost. However, that cost is not evenly spread across all 140 rules, or across all of the issuing regulatory agencies. ***EPA produced the greatest number of costly rules, resulting in EPA being responsible for \$73 billion in cost each year, or 56% of the total cost imposed.*** The next chart illustrates that EPA exceeds all federal agencies in the issuance of costly regulations.

\$100 MILLION PLUS RULE ANNUAL COSTS BY AGENCY 2008-2016



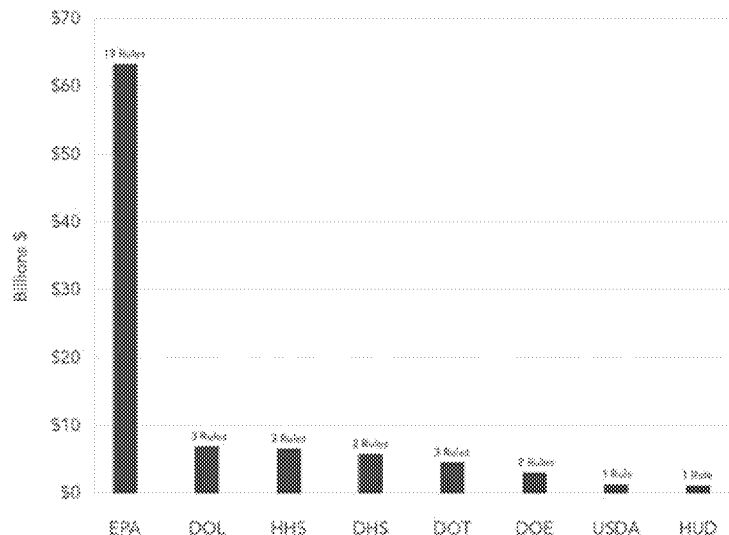
Note: The chart contains primarily rules by executive branch agencies.

U.S. Chamber Environment, Technology, and Regulatory Affairs Division

The final category of rules, high-impact rules, are those that impose more than \$1 billion in annual costs and are responsible for the majority of all regulatory burdens despite the fact that there are very few of them. From 2008 to 2016, executive branch agencies produced just 28 of these high-impact rules, with ***EPA once again leading the way with 13 rules that cost \$63 billion annually.*** Nearly half of the known regulatory costs imposed between 2008 and 2016 are from just 13 high-impact EPA regulations. The below chart illustrates this point.

ANNUAL COST OF HIGH IMPACT RULES BY AGENCY

2008–2016



Note: The chart contains only rules by executive branch agencies.

U.S. Chamber Environment, Technology, and Regulatory Affairs Division

Recommendation Action

In Appendix C of the April 2017 report the Chamber identifies by agency and cost the 140 most costly rules issued between 2008 and 2016. For its regulatory review and reform efforts, **EPA should give priority attention to the 13 rules imposing over \$1 billion in annual costs.**

5. EPA Should Apply the Risk Assessment Principles Required by Section 26 of the Frank Lautenberg Chemical Safety Act for the 21st Century Beyond the Revision of the Toxic Substances Control Act (TSCA)

Section 26 of the Frank Lautenberg Chemical Safety for the 21st Century Act requires the EPA administrator to make all decisions under Title I of the act based on “scientific information, technical procedures, measures, methods, protocols, methodologies, or models, employed in a manner consistent with the best available science,” and consider the following:

- The extent to which the scientific information, technical procedures, measures, methods, protocols, methodologies, or models employed to generate the information are reasonable for and consistent with the intended use of the information;
- The extent to which the information is relevant for the administrator’s use in making a decision about a chemical substance or mixture;

- The degree of clarity and completeness with which the data, assumptions, methods, quality assurance, and analyses employed to generate the information are documented;
- The extent to which the variability and uncertainty in the information, or in the procedures, measures, methods, protocols, methodologies, or models, are evaluated and characterized; and
- The extent of independent verification or peer review of the information or of the procedures, measures, methods, protocols, methodologies, or models.

Moreover, §26 also requires that those decisions be based on the weight of the scientific evidence.

Recommended Action

Because these risk analysis procedures are likely to produce more unbiased risk assessments, it is worthwhile to apply these procedures beyond TSCA. President Trump should issue an Executive Order requiring EPA and other federal agencies conducting chemical risk analyses to apply these procedures unless otherwise prohibited by statute.

6. PM 2.5 Incidental Benefits (Change of Circular A-4 to Require Benefits Only from Pollutant)

In 2003, the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget produced Circular A-4 to provide federal regulatory agencies with guidance on how to conduct appropriate cost-benefit analysis to support their regulations as required by Executive Order 12866. On page 26, Circular A-4 discusses “ancillary benefits” of regulations, defined as “a favorable impact of the rule that is typically unrelated or secondary to the statutory purpose of the rulemaking.” In recent years EPA has used ancillary benefits, which it terms co-benefits, as the primary justification for rules, designing the rules to maximize these co-benefits rather than to achieve the statutory purpose of the rulemaking. The best example is the 2012 Mercury and Air Toxics Standard, in which 99.4% of the benefits were ancillary benefits.

Recommended Action

The EPA administrator should ask President Trump to direct OIRA to amend Circular A-4 to clarify how both direct and ancillary benefits should be counted. Specifically, agencies could be required to craft regulations to address the statutory purpose of the rulemaking based only on the direct costs and benefits of such action. Only then, after choosing a justifiable standard based on analysis of direct impacts, could the ancillary benefits be counted. This requirement would prevent agencies like EPA from using a stated statutory purpose to justify a rulemaking that is actually designed to achieve often unrelated purposes, thereby increasing transparency and accountability in the regulatory process.

7. CASAC – A Look at Economic Impacts

The Clean Air Act directs the EPA administrator to convene a science advisory committee, the Clean Air Science Advisory Committee (CASAC), to advise the administrator on important technical issues relevant to setting an appropriate standard under the act. Section 109(d)(2)(C)(iv) further directs the advisory committee to “advise the Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such national ambient air quality standards.” In other words, the statute directs the advisory committee to analyze and inform the administrator of foreseeable adverse effects of setting the standards at the levels under assessment. However, EPA has failed to include questions related to this section of the statute when making a charge to the science advisory committee, arguing instead that because the courts have ruled that using economic costs to set the standard is forbidden, the advisory committee cannot consider any factors other than public health.

Recommended Action

EPA should craft the charge for any upcoming CASAC directing the committee to provide an assessment of adverse public health, welfare, social, economic, or energy effects of the various standards under review. Doing so would require the agency to include appropriate experts on the committee to address these subjects. While EPA would remain bound by statute to setting a standard that is protective of human health and welfare without consideration of costs, the additional information provided by considering economic impacts, or even negative, countervailing health impacts, could be used in determining an appropriate standard level when the scientific evidence alone does not recommend a definitive standard level.

8. Specific Regulations in Need of Reform

The following comments will not address all of the many regulations that shall be examined, since they have been addressed in comments to the Department of Commerce and as part of rulemakings over the years. However, the comments will focus on regulations that are very important to the business community but which may not be addressed by individual sectors.

a. Methane Regulations

The previous administration worked on regulations for methane emissions from the oil and gas sector. On May 12, 2016, EPA finalized a regulation under the Clean Air Act for reducing methane emissions from new oil and natural gas sources. The regulation was published in the *Federal Register* on June 3, 2016. Industry groups filed a lawsuit challenging that regulation. On April 18, 2017, EPA (under the new Trump administration) announced that it would be reconsidering portions of this rule. According to EPA, the reconsideration is based on the inclusion of certain provisions in the final rule that were not available for public comment during the proposal process, that is, the fugitive emissions monitoring requirements and the inclusion of low-production wells. Additionally, EPA issued a 90-day stay of the compliance date for the fugitive emissions monitoring requirements in the rule.

In March 2016 the administration announced that it would begin working on a rulemaking for regulating methane emissions from existing oil and natural gas sources. As the first step in that process, EPA issued a proposed Information Collection Request (ICR), which would seek information from the oil and gas industry on how best to reduce methane emissions from their existing sources. On November 10, 2016, EPA finalized the ICR. On March 2, 2017, EPA issued a notice withdrawing the ICR, stating that it would be reassessing the need for the information.

Recommended Action

Discontinue the defense of the EPA methane regulations from new oil and gas sources in pending litigation.¹⁷ Proceed with the reconsideration of those regulations per the April 18, 2017, announcement.

Proceed with the reassessment of the ICR for the potential methane emissions rule for existing oil and natural gas sources.

b. Ozone Implementation

In October 2015 EPA finalized a new National Ambient Air Quality Standard (NAAQS) for ozone, tightening the standard from 75 ppb to 70 ppb.

Pursuant to an October 1, 2016, deadline, states submitted their recommendations for areas that would not be able to attain the 2015 ozone standard (nonattainment). Under the Clean Air Act, EPA has one year—until October 1, 2017—to finalize those nonattainment designations.

The 2015 ozone standard is being litigated right now; EPA, industry groups, and environmental groups are all parties to the lawsuit. Oral argument in the D.C. Circuit had been scheduled for February 16, 2017, but was recently postponed after EPA filed a motion seeking a delay of the hearing.

In the 114th Congress, the Ozone Standards Implementation Act of 2016 (H.R. 4475/S. 2882) passed the House and had a legislative hearing in the Senate Environment & Public Works Committee. The ozone implementation provisions in that legislation would harmonize the implementation deadlines for the 2008 ozone standard (75 ppb) and the 2015 ozone standard (70 ppb) by delaying the 2015 ozone deadlines for eight years.

In addition to addressing ozone implementation issues, the Ozone Standards Implementation Act of 2016 would, among other things, (1) change the review for an NAAQS from 5 to 10 years; (2) provide that when establishing or revising an NAAQS, the EPA administrator may consider technological feasibility as a secondary consideration; (3) require the

¹⁷ *State of North Dakota v. United States Environmental Protection Agency*, Case No. 16-1242, in the U.S. Court of Appeals for the D.C. Circuit

EPA administrator to publish concurrently implementing guidance and regulations when establishing or revising an NAAQS in order to assist states, permitting authorities, and permitting applicants; and (4) require the EPA administrator to request advice on the adverse public health, welfare, social, economic, or energy effects from the Clean Air Science Advisory Committee before establishing or revising an NAAQS.

Recommended Action

Support immediate passage of H.R. 4475/S. 2882, the Ozone Standards Implementation Act, to provide regulatory relief to states, communities, and businesses affected by the 2015 ozone standard, and to make initial targeted, but impactful, reforms to the Clean Air Act.

c. CERCLA §108(b) Financial Assurance Program

EPA has recently proposed a new financial assurance requirement for several industries—beginning with hard rock mining, chemical manufacturing, and oil production. The new regulatory requirements are likely to require companies to set aside billions of dollars to deal with potential Superfund cleanup liabilities that are highly speculative and may never occur.

Per a court order from the D.C. Circuit Court of Appeals, EPA proposed the rule on December 1, 2016, and it was published in the *Federal Register* on January 11, 2017, with a 60-day comment period ending on March 24, 2017.

The comment period was extended 120 days to July 11, 2017, and the same court order requires that EPA publish the final rule by December 1, 2017.

Recommended Action

If the extended comment period for the proposed rule raises doubts about the technical feasibility of the standard due to the increased time for review and study of the impacts, EPA should petition the court for an extension of the December 1, 2017, deadline to issue a final rule. This would allow EPA to fully reconsider the rule and how to proceed by taking all available evidence into consideration.

d. EPA's Risk Management Program Rule

In following the directives of Executive Order 13650, EPA proposed in March 2016 certain amendments to its Risk Management Plan (RMP) regulations under the General Duty Clause of the Clean Air Act. Business and industry opposed or expressed serious concerns with these proposed amendments, including (1) the overlapping and conflicting regulatory burdens with regulations under the Occupational Safety and Health Administration; (2) the inadequacies of the “inherently safer technology” analysis; (3) the required disclosure of sensitive business and security data; (4) the infeasibility of requisite third-party audits; (5) the lack of an

appropriate cost-benefit analysis; and (6) the failure to comply with the Small Business Regulatory Enforcement Fairness Act.

The proposed RMP regulations were finalized on January 13, 2017. On March 13, 2017, EPA issued a 90-day stay of the regulations. More recently, EPA has proposed delaying the effective date of the RMP regulations until February 9, 2019. The agency held a public hearing on that proposal on April 19, 2017, and it is taking comments on the proposal until May 15, 2017.

Recommended Action

EPA should proceed with the stay of the regulations and the proposal to delay the effective date of the RMP regulations until February 9, 2019. This will enable EPA to review and reconsider the final RMP regulations, and potentially address the concerns raised by the regulated stakeholders.

e. New Source Review

EPA's New Source Review (NSR) permitting program is intended to ensure that construction and expansion of factories and power plants does not negatively impact air quality. However, it has long been recognized that the program and its implementation processes often impose unnecessary costs, uncertainties and delays on stakeholders that result in project cancellations. This has even created perverse incentives wherein some affected entities are inclined to continue operating older, less efficient facilities instead of investing in pollution-reducing upgrades and expansions that improve reliability, efficiency, and safety. These challenges have exacerbated in recent years as EPA's ratcheting down of National Ambient Air Quality (NAAQS) standards have made it increasingly difficult or even impossible to obtain permits for new or expanded operations. Ultimately, these obstacles serve to impede utility sector flexibility, inhibit growth and modernization of the U.S. industrial sector, and might actually undermine, rather than facilitate, the adoption of emissions-reducing technologies.

Recommended Action

Undertake a comprehensive analysis of administrative and legislative options to reduce unnecessary and ineffective New Source Review-related permitting obstacles while still maintaining the program's environmental benefits. Such a review should consider instituting improved definitions of NSR program triggers, such as what constitutes an emissions increase or facility modification.

f. Effluent Limitation Guidelines (ELGs) for Electric Power Plants

In late 2015, EPA finalized new rules setting strict federal limits on waterborne discharges from steam electric power plants. This rulemaking was plagued by inaccurate assumptions and a nontransparent public comment process that contributed to highly burdensome and potentially infeasible standards applicable to many affected entities. For example, because many facilities are unable to meet the rule's requirements with technologies

identified by EPA as sufficient for compliance, the agency significantly underestimated the actual costs of the regulation. As a result, the rule threatens to inappropriately force plant closures and drive significant job losses.

Responding to a petition submitted by industry stakeholders, the EPA announced on April 12, 2017 that it will institute an administrative stay of this regulation while it reconsiders the rule.

Recommended Action

We support EPA's decision to reconsider the rulemaking and urge the agency to pursue revisions that, consistent with the President's regulatory reform agenda, protect water quality through technologically and economically feasible means.

g. Effluent Limitations Guidelines (ELG) and Pretreatment Standards for the Oil and Gas Extraction Point Source Category

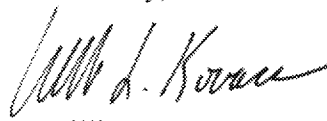
In June 2016, EPA finalized new regulations related to pretreatment standards for unconventional oil and gas (UOG) extraction waste water sent to publicly owned treatment works (POTWs). The rulemaking established a zero discharge standard prohibiting the treatment of hydraulic fracturing waste water by municipal sewage treatment facilities. EPA based this prohibition on a finding that alternative disposal options (underground injection and reuse) are currently widely available. However, this finding overstates the capacity of these alternative options and does not sufficiently consider their potential to be further limited in the future. Moreover, the Clean Water Act directs EPA to base any such restrictions not on the existence of alternative disposal options, but on a Best Available Technology Economically Achievable (BATEA) analysis of actual POTW waste water management technologies. EPA failed to undertake a thorough analysis to determine BATEA pretreatment potential, and in doing so based its zero discharge determination on inappropriate and insufficient information.

Recommendation

Undertake a thorough review of hydraulic fracturing-related waste water management technologies to determine if economically achievable pretreatment options are available, and consider revisions to the ELG rulemaking as appropriate based on this review.

The Chamber appreciates your consideration of these comments. If you have any questions, please contact me at 202-463-5533 or wkovacs@uschamber.com.

Sincerely,



William L. Kovacs

Message

From: Kate Fay [Kate.Fay@nblenergy.com]
Sent: 3/27/2018 9:24:50 PM
To: Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]; Benevento, Douglas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93dba0f4f0fc41c091499009a2676f89-Benevento,]
CC: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Chad Calvert [Chad.Calvert@nblenergy.com]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: RE: Following up on Noble Energy Site and Training Center Visit
Flag: Follow up

Daisy:

Thanks for the email. Great to catch a glimpse of you at Ecos. I wish I could have stayed longer.

All we need from EPA is the date (or suggested dates) that work for you all. We will make it happen from there. If you could facilitate, provided it works as appropriate for the EPA team, we would be most appreciative.

Look forward to hearing from you.

Kate and Chad

Please note my new email address: kate.fay@nblenergy.com

Kate Fay
Manager, Environmental and Regulatory Policy
Noble Energy, Inc.
1625 Broadway, Suite 2200
Denver, Colorado 80202

Ex. 6 (cell)
(office)

From: Letendre, Daisy [mailto:letendre.daisy@epa.gov]
Sent: Tuesday, March 27, 2018 3:00 PM
To: Kate Fay <Kate.Fay@nblenergy.com>; Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Woods, Clint <woods.clint@epa.gov>; Chad Calvert <Chad.Calvert@nblenergy.com>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: EXTERNAL: RE: Following up on Noble Energy Site and Training Center Visit

Kate – it was great to see you twice in two months at both the roundtable and at ECOS! I think this idea for a sight visit is great as the agency looks to better understand existing and future environmental technologies. Forgive me if you and Doug have already been in touch regarding scheduling – I'd love to help think through the best timing for this, let me know how I can facilitate. I've included my colleague Brittany Bolen on this email for her awareness as well.

Best,

Daisy C. Letendre
Letendre.Daisy@epa.gov

From: Kate Fay [<mailto:Kate.Fay@nblenergy.com>]

Sent: Friday, March 23, 2018 11:23 AM

To: Benevento, Douglas <benevento.douglas@epa.gov>

Cc: Letendre, Daisy <letendre.daisy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Chad Calvert <Chad.Calvert@nblenergy.com>

Subject: Following up on Noble Energy Site and Training Center Visit

Dear Doug:

It was great to see you during the oil and gas roundtable. Thank you for hosting a productive exchange of ideas and solutions. We, at Noble, hope to continue the conversation both in formal settings like the Roundtable and less formal ones as the need arises. We are at your disposal to help advance smart and effective public policy.

As we discussed during a break at the Roundtable, Noble Energy would very much like to host an opportunity for you and your colleagues to gain a more direct, first-hand understanding of environmental technologies Noble uses to meet federal and state requirements AND that reflect our constant efforts to innovate. As such, we would be pleased to offer you and interested EPA Regional and HQ leaders (we have mentioned a site visit to Clint Woods and Daisy Letendre, among others) an opportunity to visit the Noble Energy Safety and Training Center in Greeley, and a couple of nearby production locations in Weld County (about 45 minutes from Denver). The Safety and Training Center is a unique opportunity to see the technology up close in a controlled and safe educational environment. At the nearby production locations in the field, we can show the progression of technology and design from older facilities to the latest generation of innovation and regulation. This tour has proven to be very helpful to state regulators as well, including ECOS shale gas caucus teams.

This tour takes about three hours from door to door at the Noble Greeley office - plus travel time from Denver. We could also arrange a single vehicle to pick up and drop off at EPA in Denver, which can save about 45 minutes in that we can return directly to Denver from the field (if EPA is able to receive such an offer of transport).

Please let either Chad Calvert or me know who we should work with at EPA to schedule timing and logistics. Also let us know if there are other stages of the production lifecycle you would be interested in seeing. We could easily work in a drilling or completion/fracking operation if you want.

Thank you, we look forward to hearing from you and working with the EPA team.

Kate

Please note my new email address: kate.fay@nblenergy.com

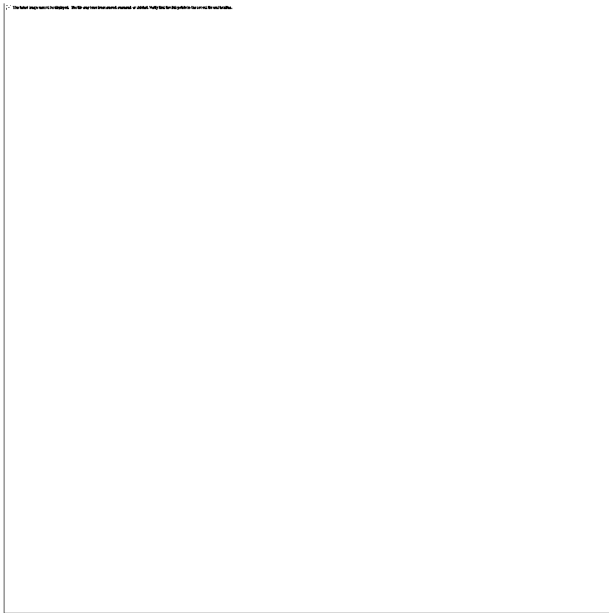
Kate Fay
Senior Manager, Environmental and Regulatory Policy
Noble Energy, Inc.
1625 Broadway, Suite 2200
Denver, Colorado 80202

Ex. 6 (cell)
(office)

Message

From: Karen Harbert [globalenergy@uschamber.com]
Sent: 7/18/2018 2:17:52 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Hurricane season: Are we prepared?

The importance of energy infrastructure



Dear Brittany:

Hurricane season is looming nearer but we are lacking a crucial element of preparedness: modern energy infrastructure.

My op-ed in the [Houston Chronicle](#) discusses the importance of a modern and reliable energy infrastructure during extreme weather and also outlines the current roadblocks preventing a modernized and diverse infrastructure.

Energy infrastructure projects are often overlooked and subsequent advances are being put on hold due to lengthy and complicated review processes in combination with deep pocketed activists seeking to advance the "keep it in the ground" environmental agenda.

The U.S. needs modern energy infrastructure to prepare and defend against major storms and extreme weather. Read the op-ed [here](#).

HOUSTON★CHRONICLE

Commentary: Hurricane season underscores need for modern energy infrastructure

Karen Harbert | July 13, 2018 | Updated: July 17, 2018 7:30am

Sincerely,



Karen Harbert
President and CEO
Global Energy Institute
U.S. Chamber of Commerce

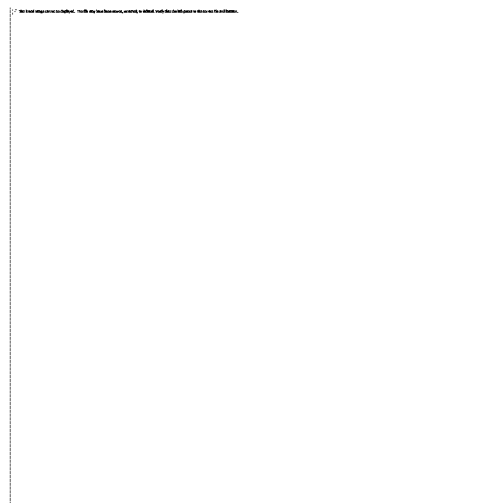
Share this email:



Manage your preferences | Opt out using TrueRemove™
Got this as a forward? Sign up to receive our future emails.
View this email online.

1615 H Street, NW
Washington, DC | 20002 US

This email was sent to boien.brittiany@epa.gov.
To continue receiving our emails, add us to your address book.



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COMMERCE" are registered trademarks of the
Chamber of Commerce of the United States of
America.

Message


From: Schon, Mike [mschon@USChamber.com]
Sent: 6/1/2018 6:00:14 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Re: Running few mins late. Sorry.

No problem.

Michael B. Schon
Deputy Chief Counsel
U.S. Chamber Litigation Center
1615 H Street NW
Washington, DC 20062

Ex. 6

mschon@uschamber.com

A rectangular area of the document has been redacted, leaving a blank white space within a thin black border.

On Jun 1, 2018, at 1:59 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Sent from my iPhone

Message

From: Boris Epshteyn [bepshteyn@sbgvtv.com]
Sent: 6/4/2018 7:56:09 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Jonathan Helman [jrhelman@sbgvtv.com]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Beach, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6b124299bb6f46a39aa5d84519f25d5d-Beach, Chri]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Re: Pruitt Background Brief

Thank you!

Best,

Boris Epshteyn

Chief Political Analyst

Sinclair Broadcast Group

Ex. 6

bepshteyn@sbgvtv.com

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Please Note: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information; please advise the sender immediately by reply email and delete this message and any attachments without retaining a copy. Although this email and any attachments are believed to be free of any virus or other defect that may affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by the sender for any loss or damage arising in any way from its use.

On Jun 4, 2018, at 3:48 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Thank you and congratulations on hiring Kaelan, he's tough but fair.

From: Boris Epshteyn [<mailto:bepshteyn@sbgvtv.com>]
Sent: Monday, June 4, 2018 2:37 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jonathan Helman <jrhelman@sbgvtv.com>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: Pruitt Background Brief

Good afternoon!

Here is the piece that ran on Friday:

<http://wjla.com/news/bottom-line/interview-with-epa-administrator-scott-pruitt-paris-agreement>

Best,

Boris Epshteyn

Chief Political Analyst

Sinclair Broadcast Group

Ex. 6

bepshteyn@sbgstv.com

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On May 30, 2018, at 6:47 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Does someone have this stat available for Boris? Thank you!

From: Boris Epshteyn [<mailto:bepshteyn@sbgstv.com>]

Sent: Wednesday, May 30, 2018 6:46 PM

To: Wilcox, Jahan <wilcox.jahan@epa.gov>

Cc: Jonathan Helman <jrhelman@sbgstv.com>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly

<block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>

Subject: Re: Pruitt Background Brief

Sounds good! Question, when answering re Paris, the Administrator said the below:

“BETWEEN THE YEARS 2000 AND 2014 BORIS WE CUT OUR CO2 FOOTPRINT BY ALMOST 20 PERCENT.”

Could you share a source for that statistic?

Best,

Boris Epshteyn

Chief Political Analyst

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On May 30, 2018, at 6:39 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Thanks. Looking forward to Part 2!

From: Boris Epshteyn [mailto:bepshteyn@sbgvtv.com]
Sent: Wednesday, May 30, 2018 6:20 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jonathan Helman <jrhelman@sbgvtv.com>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>
Subject: Re: Pruitt Background Brief

Afternoon, Folks,

Thank you for arranging the interview and big thanks to the Administrator for his time.

Here is part 1 of the interview. Part 2, re Paris, will run on Friday.

<http://wjla.com/news/bottom-line/interview-with-epa-administrator-scott-pruitt-controversies-and-agenda>

Best,

Boris Epshteyn

Chief Political Analyst

Sinclair Broadcast Group

Ex. 6

bepshteyn@sbgvtv.com

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On May 29, 2018, at 11:38 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

WHO IS SCOTT PRUITT ...

Scott Pruitt: Politics, baseball and Jesus. "Politics, baseball and Jesus. That's what Scott Pruitt and his friend and campaign manager Matt Pinnell talked about as they crisscrossed Oklahoma in 2006 trying to get Pruitt elected lieutenant governor. Politics, baseball and Jesus. With his energy and persistence, they have carried Pruitt to victory and nursed him through defeat. And they have him on the verge of running the agency many view as the embodiment of government regulation run amok, the Environmental Protection Agency." ([Tulsa World](#), 01/16/17)

Scott Pruitt's Back-to-Basics Agenda for the EPA.

"His focus is neither expanding nor reducing regulation. 'There is no reason why EPA's role should ebb or flow based on a particular administration, or a particular administrator,' he says. 'Agencies exist to administer the law. Congress passes statutes, and those statutes are very clear on the job EPA has to do. We're going to do that job.' You might call him an EPA originalist." ([The Wall Street Journal](#), 02/17/17)

August 13th Edition, Batter Up With Scott Pruitt!

"Scott Pruitt is now the head of the Environmental Protection Agency, but he used to own the triple A minor league baseball team in Oklahoma City. Major league baseball is looking for way to

speed up the pace of the game, fearing kids don't think it's fast paced enough like the NBA or NFL. Dave Price talks to Pruitt about the experiment baseball tried to shorten commercial breaks in order to pick things up as a new way of thinking.”
(WHO-TV, 08/13/17)

PRESIDENT TRUMP'S COURAGEOUS DECISION TO EXIT PARIS ...

- <!--[if !supportLists]--><!--[endif]-->**The Washington Examiner:** Forget Paris: Fracking is the key to reducing carbon emissions
- <!--[if !supportLists]--><!--[endif]-->**The Wall Street Journal:** Trump Bids Paris Adieu
- <!--[if !supportLists]--><!--[endif]-->**The National Review:** We'll Never Have Paris
- <!--[if !supportLists]--><!--[endif]-->**The Washington Times:** The Promise To Keep
- <!--[if !supportLists]--><!--[endif]-->**The New York Post:** In ditching Paris deal, Trump does right by America and the world
- <!--[if !supportLists]--><!--[endif]-->**Brian Darling:** Thank You President Donald Trump for Pulling out of Paris Treaty
- <!--[if !supportLists]--><!--[endif]-->**David French:** Trump Defends the Constitution and the Economy by Withdrawing from the Paris Climate Agreement
- <!--[if !supportLists]--><!--[endif]-->**Stephen Moore:** Kudos to Trump for rejecting the climate deal and putting America first
- <!--[if !supportLists]--><!--[endif]-->**GOP Lawmakers:** <https://bit.ly/2sosV4W>

Scott Pruitt, outspoken and forceful, moves to the center of power within the Trump administration.
“Less than four months ago, Scott Pruitt arrived in Washington with few connections to President Trump’s inner circle and took the helm of an agency where many employees were openly hostile to him. But the administrator of the Environmental Protection Agency has emerged as one of the most influential policy architects in the president’s Cabinet, a skilled and sometimes brash

lawyer who is methodically taking apart a slew of regulations and agreements affecting a range of issues, from manufacturing operations to landfills.”
([The Washington Post](#), 06/02/17)

TOP '17 EPA ACCOMPLISHMENTS ...

Eliminated, substantially or entirely, seven sites from the National Priorities List of contaminated sites; only two sites were removed the previous year. EPA also awarded \$60 million in Brownfields cleanup grants to local communities.

- <!--[if !supportLists]--><!--[endif]-->Acted on 322 State Implementation Plans (SIPs) and turned one Federal Implementation Plan into a SIP each month, since March 1, 2017.
- <!--[if !supportLists]--><!--[endif]-->Approved 3,000 Total Maximum Daily Loads and cut the amount of time it took the Agency to review state water quality standards in half (from 120 days to 60).
- <!--[if !supportLists]--><!--[endif]-->Awarded \$25 million in water infrastructure loans; disbursed \$1.4 billion in State Revolving Funds to improve our nation’s water quality; and, awarded \$100 million to Flint, Mich. for water infrastructure upgrades.
- <!--[if !supportLists]--><!--[endif]-->Cleared the Agency’s backlog of new chemical submissions — containing 600 new submissions as of January 2017 — and ensured that all new chemicals coming to market received a safety determination within about 90 days.
- <!--[if !supportLists]--><!--[endif]-->Full Report: https://www.epa.gov/sites/production/files/2018-03/documents/year_in_review_3.5.18.pdf

CLEANING-UP TOXIC SUPERFUND SITES ...

At Superfund sites, Scott Pruitt could flip his industry-friendly script. “In pressing for aggressive, accelerated cleanups, he is butting heads with companies while siding at times with local environmental groups. His supporters, and Pruitt himself, say it is evidence he is reinvigorating a core function of the agency. His critics see it as a political move, an effort to protect himself against charges that he constantly favors corporate interests. Yet Pruitt’s attention is shifting the

conversation in some beleaguered communities. Residents say they don't care what his motivations are — if those bring the results they've long sought. 'Scott Pruitt is probably the most important person right now in the lives of the people in this community,' said Dawn Chapman, who lives with her husband and three children near a controversial site northwest of St. Louis. The landfill there, known as West Lake, contains thousands of tons of radioactive waste from the World War II-era Manhattan Project. Chapman and other activists are pushing for significant excavation. Pruitt has promised them he will issue a decision within days. There are signs he might seek more extensive — and expensive — removal than EPA staff have recommended in the past. As is the case in Texas, the companies on the hook for the cleanup contend that years of scientific evidence show capping the waste in place would be safer, cheaper and completed sooner. 'Depending on the decision [Pruitt] makes,' Chapman said, 'he will probably forever remain the hero or the villain in the eyes of this community.'" ([The Washington Post](#), 01/23/18)

EPA wants to do partial excavation of contaminants at radioactive West Lake Landfill Superfund site. "In a long-awaited decision that appears to be a compromise, the Environmental Protection Agency on Thursday recommended partial excavation of the West Lake Landfill in Bridgeton to remove radioactive waste linked to the Manhattan Project. The EPA said the proposed remedy, which it calls "Excavation Plus," is expected to take five years to implement and will remove the "majority" of radioactivity by digging to a depth of about 16 feet, while installing an engineered cover system for long-term protection. 'The consideration here was timing, it was certainty, it was respect to human health that was being protected,' EPA Administrator Scott Pruitt told the Post-Dispatch in a phone call Thursday morning." ([The St. Louis Post-Dispatch](#), 02/01/18)

After Harvey, EPA Administrator vows bold response to polluted sites around Houston. "Environmental Protection Agency Administrator Scott Pruitt, who has visited Texas twice since Hurricane Harvey, vowed Thursday to have 'an

answer' by next month for a permanent solution to clean up the San Jacinto River Waste Pits. 'What was concerning about that site in advance of the storm, and is a concern today, frankly, and that is that the response, the capping that's taken place, this agency's had to work through remediation efforts every year since 2011," he said in a Chronicle interview." ([The Houston Chronicle](#), 09/22/17)

EPA approves plan to stabilize San Jacinto waste pits. "The Environmental Protection Agency has approved a plan to stabilize the riverbed near the San Jacinto River Waste Pits Superfund site to address the hazards of a 20,000-square-foot area where Hurricane Harvey gouged a pit about 12 feet deep." ([The Houston Chronicle](#), 10/20/17)

Pruitt is working on the redevelopment of Superfund sites in East Chicago and an area of land near the Seattle Seahawks' practice facility. "Thirty-one of the country's most contaminated sites are likely to be available for building new housing, business or other development soon after they are cleaned up, the U.S. Environmental Protection Agency said today, a step that's part of Administrator Scott Pruitt's push to accelerate the cleanup and make the land available for community use... Another example on the list is a Superfund site on the coast of Lake Washington and close to the practice facility for the Seattle Seahawks. It was contaminated by coal tar and creosote from manufacturing until 1969 and a cleanup plan is expected to be finalized in 2019. The owner of the land wants to redevelop it for 10 buildings with retail and residential units, according to an EPA fact sheet." ([ABC News](#), 01/17/18)

REFORMING OBAMA'S AGENDA ...

EPA moves to repeal Obama's Clean Power Plan coal regs. "EPA Administrator Scott Pruitt announced Monday that the Trump administration is moving to scrap the Clean Power Plan, the Obama administration's signature regulatory program to curb emissions from coal-fired power plants. Pruitt made the announcement at an event in Hazard, Ky., casting the previous policy as unfair. "That rule really was about picking winners and losers," Pruitt said. "The past administration was

unapologetic, they were using every bit of power, authority to use the EPA to pick winners and losers on how we pick electricity in this country. That is wrong.” ([Fox News](#), 10/09/17)

EPA, U.S. Army Move to Rescind Obama’s 2015 "Waters of the United States (WOTUS) rule." “The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. This action would, when finalized, provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States." The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice. ‘We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses,’ said Administrator Scott Pruitt. ‘This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.’” ([Press Release](#), 06/27/17)

REFORMING EPA ...

EPA staffing falls to Reagan-era levels. “The Environmental Protection Agency’s (EPA) staffing is now lower than it was in former President Reagan’s final year in office. An EPA spokeswoman said Tuesday that, as of Jan. 3, the agency had 14,162 employees, down from about 15,000 at the beginning of last year. That’s even lower than the 14,400 employees the agency had in fiscal year 1988, Reagan’s final year.” ([The Hill](#), 01/09/18)

Pruitt moves to shake up EPA advisory boards by removing conflict of interest. “Scientists who receive grants from the Environmental Protection

Agency will no longer be allowed to simultaneously serve on the agency's nearly two dozen advisory boards, an unprecedented directive EPA Administrator Scott Pruitt said would increase the scientific integrity behind its rule-making. 'Whatever science that we are involved in here at the EPA shouldn't be political science,' Pruitt told a group of reporters Tuesday. 'We want to ensure that the American people have confidence ... in the process and that the advisers that we have in each of these respective capacities are providing independent, arms-length input to us as we make decisions.'" ([USA Today](#), 10/31/17)

Administrator Pruitt Issues Directive to End EPA "Sue & Settle." "In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive today designed to end "sue and settle" practices within the Agency, providing an unprecedented level of public participation and transparency in EPA consent decrees and settlement agreements. 'The days of regulation through litigation are over,' said EPA Administrator Scott Pruitt. 'We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle.'" ([EPA Press Release](#), 10/16/17)

WAR ON LEAD ...

EPA's Scott Pruitt declares 'war on lead,' three years after Flint water crisis began. "EPA Administrator Scott Pruitt has begun an effort to 'eradicate' lead poisoning from drinking water, more than three years after the crisis in Flint, Michigan, started. Pruitt hosted a meeting Jan. 8 for state and local officials at agency headquarters in Washington to obtain feedback on ways to update the 1991 Lead and Copper Rule, a federal mandate that dictates how communities test for lead in drinking water. It has not been revised in more than a decade." ([The Washington Examiner](#), 01/23/18)

EPA will move to label chemical found in drinking water 'hazardous.' "Environmental Protection Agency chief Scott Pruitt says the agency will move to regulate as 'hazardous' a type of harmful chemical found in the drinking water of millions of Americans, calling it a 'national priority.' The type of chemical is commonly known as PFAS or PFOS and is used in nonstick pans, making furniture and carpets stain resistant, absorbing grease in products like pizza boxes as is contained as well in firefighting foam commonly used at airports. EPA first published rules about the chemical in 2002 when the 3M company agreed to phase them out. The EPA studied the health effects of exposure for several years and published a health advisory in 2016." ([ABC News](#), 05/22/18)

EPA moves toward updating lead water pipe standards. "The Trump administration is moving forward on potentially updating the 26-year-old standards meant to keep lead out of drinking water. Environmental Protection Agency (EPA) head Scott Pruitt reached out to groups representing states and municipalities in a Thursday letter, inviting them to meet next month about potential revisions the agency is considering to what's known as the Lead and Copper Rule." ([The Hill](#), 12/14/17)

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell **Ex. 6**
Work Email: wilcox.jahan@epa.gov

<05.30.18 - Pruitt Brief.docx>

Message

From: Karen Harbert [globalenergy@uschamber.com]
Sent: 6/20/2018 3:09:06 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: America Rises to the Top – Thanks to Energy

How Energy Security is Changing in Today's Global Energy Market



Dear Brittany:

Today, the Global Energy Institute (GEI) released our 2018 edition of the [International Index of Energy Security Risk](#) which features a Foreword by U.S. Energy Secretary Rick Perry, who as the former governor of Texas knows a thing or two about energy.

Key Takeaways

The United States has the second best energy security of the world's largest energy consuming countries. The big news is how much progress the United States has made in a short period of time. Considering that the United States was ranked 9th as recently as

2008, this is a truly remarkable run up the table in just eight years. 2008 is about the time the U.S. shale revolution kicked into high gear, and we've been reaping the energy, economic, and geopolitical benefits ever since.

This year's index also confirms that the world's center of energy power has shifted to North America. With the U.S., Canada and Mexico all ranked in the top 7, North America has become an energy powerhouse shifting the world's energy center of gravity away from the Middle East.

Interactive Tool

The Index uses 29 metrics of energy security risks to assess energy security for a group of 25 countries that account for about 80% of global energy demand from 1980 to 2016. Index scores also are calculated for 50 other countries and are available using our [International Index tool](#).

This year's edition contains even more detail than in the past. In addition to ranking countries by their overall security score, we also rank by individual metrics including energy efficiency, price and market volatility, and fuel import exposure.

As to the dramatic change in America's energy security posture the report documents, we can't say it any better than Secretary Perry, who noted: **"There never was a shortage of energy, only a shortage of imagination and a loss of confidence in a nation's ability to innovate."** As the Index demonstrates - not anymore!

Sincerely,



Karen Harbert
President and CEO
[Global Energy Institute](#)
U.S. Chamber of Commerce

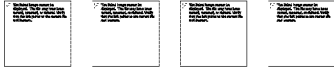
P.S.

Please join us at the U.S. Chamber of Commerce on Thursday, June 21st, as we host a panel discussion on the 2018 Index featuring notable embassy representatives from Mexico, Japan, the United Kingdom, Canada and other countries highlighted in this year's edition.

The roundtable discussion will take place from 3:30 - 5:00 PM. Please contact Kara Conrad at kconrad@uschamber.com with any questions.



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Message

From: JoAnn Pawela [JoAnn@goeasassociates.com]
Sent: 6/6/2018 2:03:03 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: RE: NERO Annual Awards Dinner - RSVP Requested

Great! Thanks, Brittany!

From: Bolen, Brittany [mailto:bolen.brittany@epa.gov]
Sent: Wednesday, June 6, 2018 10:02 AM
To: JoAnn Pawela
Subject: RE: NERO Annual Awards Dinner - RSVP Requested

Hi JoAnn –

Thanks for clarifying. I would like to RSVP.

Thanks again. See you then.

Brittany

From: JoAnn Pawela [mailto:JoAnn@goeasassociates.com]
Sent: Wednesday, June 6, 2018 9:52 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: NERO Annual Awards Dinner - RSVP Requested

Hi Brittany!

So nice to hear from you! Yes, of course – the dinner is Thursday, June 21 at the Capitol Hill Hyatt. Cocktails are at 5:30, and the dinner begins at 7:00. We will be honoring Rep. Scalise and Sen. Heitkamp. We would love to see you! I have attached info for ethics inquiries if needed. Thanks so much!

Jo Ann

From: Bolen, Brittany [mailto:bolen.brittany@epa.gov]
Sent: Wednesday, June 6, 2018 9:49 AM
To: JoAnn Pawela
Subject: RE: NERO Annual Awards Dinner - RSVP Requested

Hi Pawela,

Thanks for the invitation. Can you please confirm the date and time of the dinner? I'm having trouble downloading the image.

Best,

Brittany

From: JoAnn Pawela [<mailto:JoAnn@goeasassociates.com>]

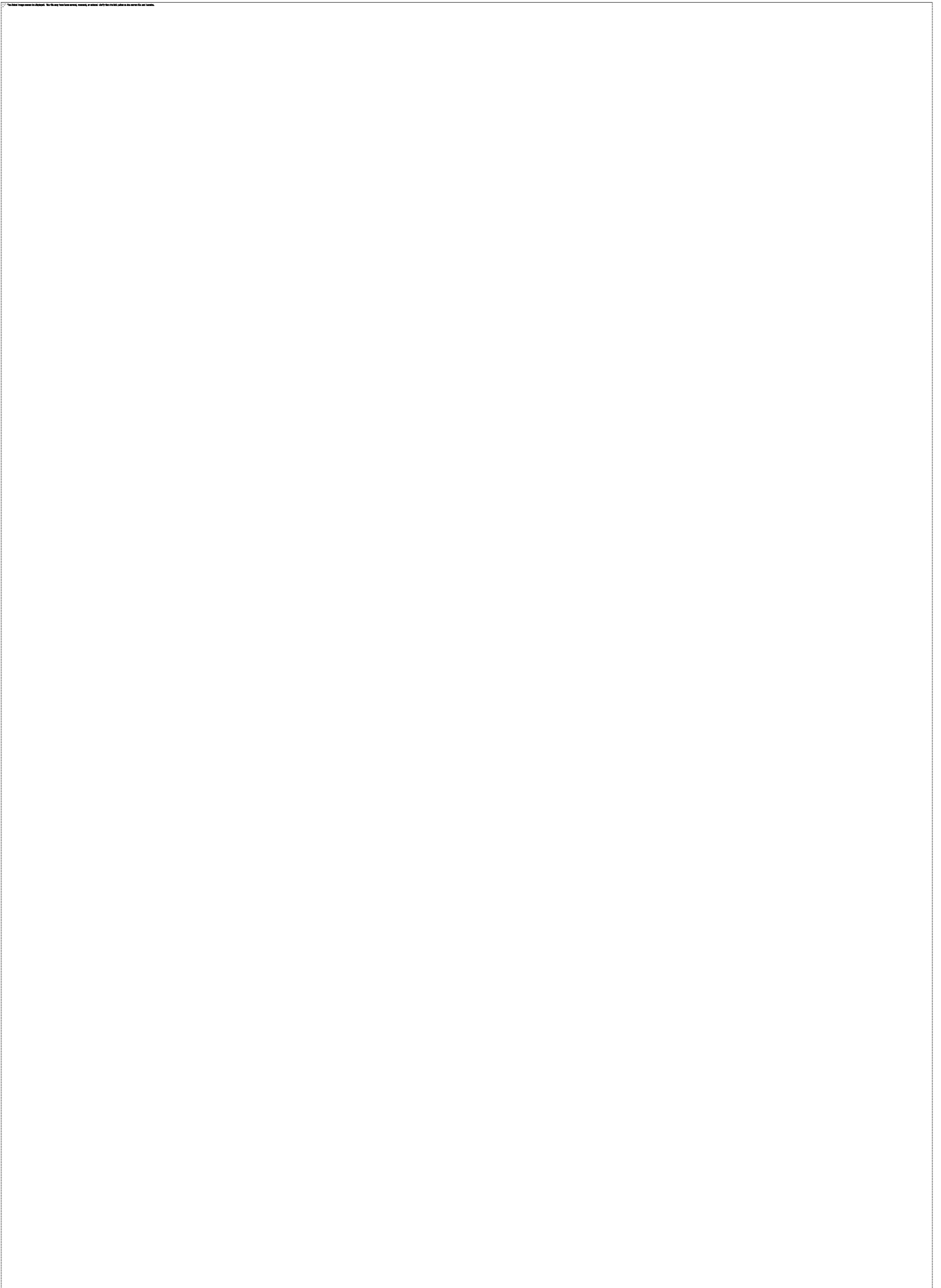
Sent: Wednesday, June 6, 2018 9:12 AM

To: Bolen, Brittany <bolen.brittany@epa.gov>

Subject: NERO Annual Awards Dinner - RSVP Requested

Friendly Reminder: RSVP deadline is Noon on Friday, June 8. As this is a seated event, your RSVP is needed to ensure your reserved seat and meal. **We will confirm receipt of your RSVP by return email.**

This invitation is not transferable. Please do not forward.



National Energy Resources Organization

2018 Annual Awards Dinner – Thursday, June 21, 2018

Federal Government Ethics – Frequently Asked Questions (5/30/18)

- 1.) Who are the sponsors of the event: National Energy Resources Organization (NERO).
- 2.) Are those sponsoring the event non-profit, 501(c)3? or a media organization: Yes, NERO is a 501(c)3.
- 3.) What is the purpose of the event? Is the event a fundraiser? The event is an annual awards dinner, at which NERO will recognize Majority Whip, Rep. Steve Scalise, and Senator Heidi Heitkamp, for their outstanding contributions to the energy industry; individuals who are retiring or have recently retired after several years in the energy industry; and traditional recognition awards for NERO members. Funds will be used to cover the cost of this event, and any amount exceeding that will be used for other NERO-sponsored activities and events.
- 4.) What other types of people are expected to attend? (For example, members from throughout a given industry; other Federal, state, or local government officials; etc.)
- Members of NERO, as well as non-members, consisting of executives from public and private utilities, corporations, and associations; state and federal regulators; attorneys; energy retailers; federal and state government employees
- NERO's invited guests also consist of: Senators, Members of Congress; House and Senate staff / Federal and state government employees; others as requested
- 5.) Will the attendees represent a range of persons interested in a given matter? If Yes, what matter?
- Yes; Energy.
- 6.) Approximately how many people are expected to attend? Approximately 250-300.
- 7.) What is the monetary value of the gift of free attendance (conference fee and/or food, refreshments, entertainment, instruction, and materials furnished to all attendees as an integral part of the event) and how was this cost determined? (Attach separate sheet, if necessary.) Approximately \$75 - \$125 for cocktail reception, sit-down dinner and dessert reception. Total estimated cost of these was divided by an estimated number of attendees.

National Energy Resources Organization
Carole A. Goeas, Executive Director
1707 Prince St., #5, Alexandria, VA 22314

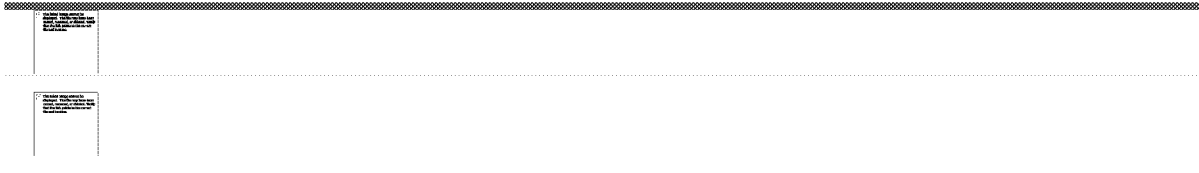
Ex. 6

www.nationalenergyresources.com executivedirector@nationalenergyresources.com

Message

From: Sue Forrester [globalenergy@uschamber.com]
Sent: 7/3/2018 7:06:34 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Star-Spangled Energy

How will American energy fuel your 4th of July?



Dear Brittany:

This Independence Day, consumers around the country have more of their paychecks available for summer fun, **thanks to America's energy revolution.**

Do you remember 10 years ago, when Americans weren't feeling quite so "independent" on Independence Day? The U.S. was importing more than two-thirds of its oil, and July 4, 2008, saw gas prices reach record highs as the national average soared to more than \$4.11 per gallon (\$4.68 in 2018\$). The oil price shock left you with less money in your pocket and less gas in your tank. Just look at what was making headlines during the summer of 2008:



American families like yours were forced to cut back on spending, which in turn had ripple effects on the economy and tourism industry. Families that would have normally traveled during the holiday weekend chose to stay at home, and areas around the country dependent on tourism suffered.

Fast forward 10 years to today. Thanks to the American energy revolution, the energy anguish of 2008 is but a distant memory. **American innovation spurred an energy revolution that has successfully reduced our dependence on foreign oil and paved the way for the United States to become a world leader in oil and natural gas production.**

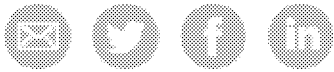
Travelers this summer will reap the benefits of America's stronger energy industry and see significantly lower prices than they did in 2008. Gas prices are currently \$1.93 per gallon less than in 2008, which translates to roughly \$32 per fill-up, on average, compared to a decade ago.

In ten years, the American energy sector has developed new technologies that have increased our energy security and allowed U.S. to become safer, stronger, and cleaner. And the best thing is, *we're just getting started.* **With continued investment into American energy and implementation of pro-growth policies, Americans will be more secure for many Independence Days to come.**

Sincerely,

Sue Forrester
 Managing Director
Global Energy Institute
 U.S. Chamber of Commerce

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Message

From: Schon, Mike [mschon@USChamber.com]
Sent: 6/1/2018 6:59:34 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Re: Running few mins late. Sorry.

Great to see you. Here's my mobile: **Ex. 6**

Michael B. Schon
Deputy Chief Counsel
U.S. Chamber Litigation Center
1615 H Street NW
Washington, DC 20062

Ex. 6

mschon@uschamber.com

On Jun 1, 2018, at 1:59 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Sent from my iPhone

Message

From: Jon Toomey [jtoomey@fitzgeraldtrucksales.com]
Sent: 5/15/2018 7:53:35 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]

Hi Brittany,

I wanted to see if you have time for a quick call. I am free the rest of the day at Ex. 6

Thanks,
Jon

Message

From: Thompson, Ryan [thompsonr@akingump.com]
Sent: 5/11/2018 3:51:29 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Great seeing you!

Brittany,

I just left you a voicemail as well, but just wanted to say it was great seeing you yesterday! If you have a free moment I would love to connect on the phone today if possible (or Monday). Thanks! - Ryan

Ryan Day Thompson

AKIN GUMP STRAUSS HAUER & FELD LLP

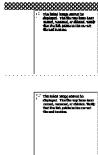
Mobile: **Ex. 6** | thompsonr@akingump.com | akingump.com | [Bio](#)

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Message

From: Sue Forrester [globalenergy@uschamber.com]
Sent: 5/11/2018 1:05:20 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: NAAQS Reform and EnergyInnovates

Clean Air and Innovation leading the week



Energy Round Up

The Latest: GEI's Statement on NAAQS Reform

GEI's Dan Byers shares thoughts on Administrator Pruitt's May 10th memorandum reforming the National Ambient Air Quality Standards (NAAQS) under the Clean Air Act. Read the full statement below. Read the memorandum signed by Administrator Pruitt [here](#).

EPA's National Ambient Air Quality Standards (NAAQS) process has long been in need of improvement, so we're pleased to see EPA take action to do just that. Today's announcement signals a new approach focused on key statutory duties and regulatory flexibility, which should lead to a better process that won't impede economic growth.

We are particularly pleased to see EPA addressing practical challenges such as background concentrations and sources of pollution. State and local air agencies should not be unduly punished for background pollutants that are out of their control as they are in the current system. We look forward to working with EPA and key stakeholders to continue the progress we've made to improve our nation's air quality.

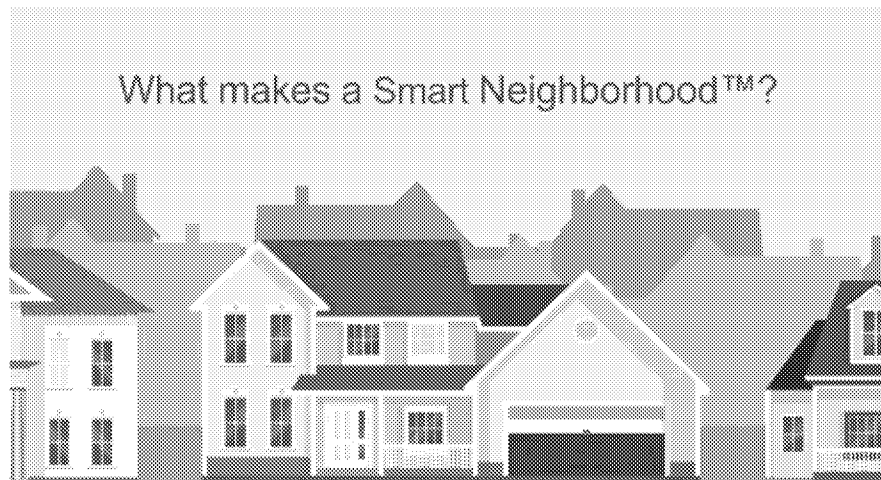
Dan Byers, Vice President of Policy
U.S. Chamber of Commerce Global Energy Institute

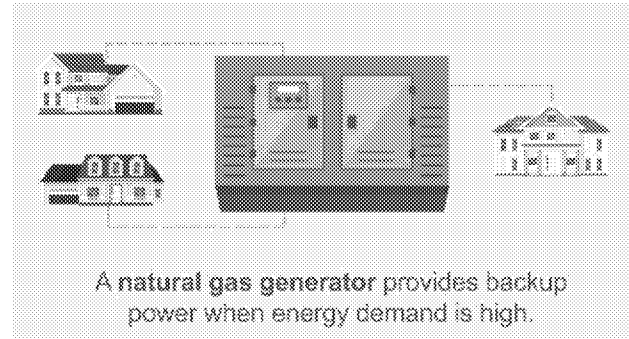
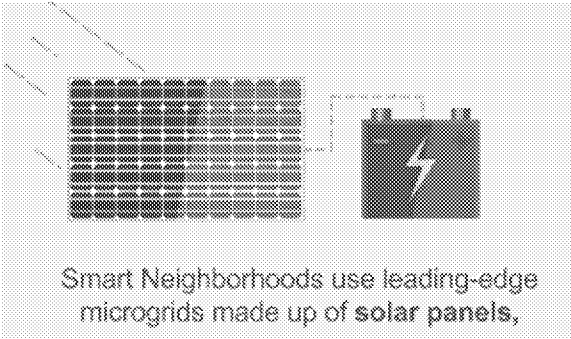
Introducing EnergyInnovates

The American energy industry is working 24/7 to find new and better ways to produce, transmit, and use energy. This week we launched EnergyInnovates an initiative to showcase some of the most cutting edge, forward-thinking energy innovations around.

We kicked off the initiative with a visit to **Alabama Power's Smart Neighborhood™**, a collection of sixty-two future-focused homes that are more efficient than the typical new homes built today.

Please visit our EnergyInnovates website to see facility tours and site visits, interviews and extensive digital content as well as to learn about our next steps.





GEI Featured in *Real Clear Policy*

Real Clear Policy ran a piece by Dan Byers where he discusses the steps taken by Environmental Protection Agency to improve data transparency and their decision to restrict the use of non-public data as a basis for rules and regulation. [Read the full article here.](#)

RealClear Policy

Newsletters Articles Video Store



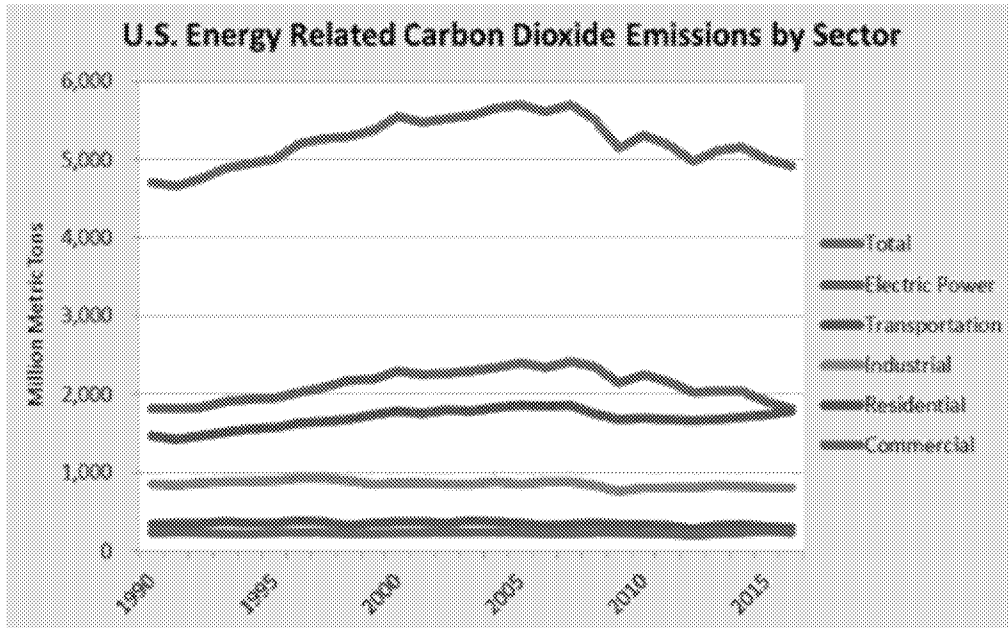
EPA Finally Takes 'Fishbowl' Approach to Regulation



By Dan Byers
May 09, 2013

Greenhouse Gas Emissions on the Decline

Read Steve Eule's last blog on the good news about greenhouse gas emissions (GHG) – they continue to decline. EPA is out with new data showing that GHGs in the United States (excluding U.S. territories) fell 2.5% in 2016 for the second consecutive year. Steve explains it all [here](#).



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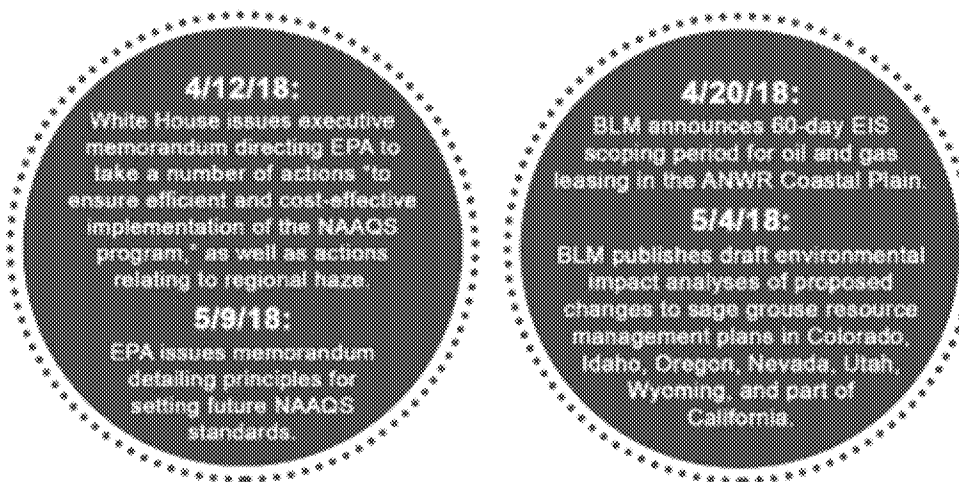
From: Dan Byers [globalenergy@uschamber.com]
Sent: 5/15/2018 2:44:51 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: NAAQS, pipeline certification, leasing and more....

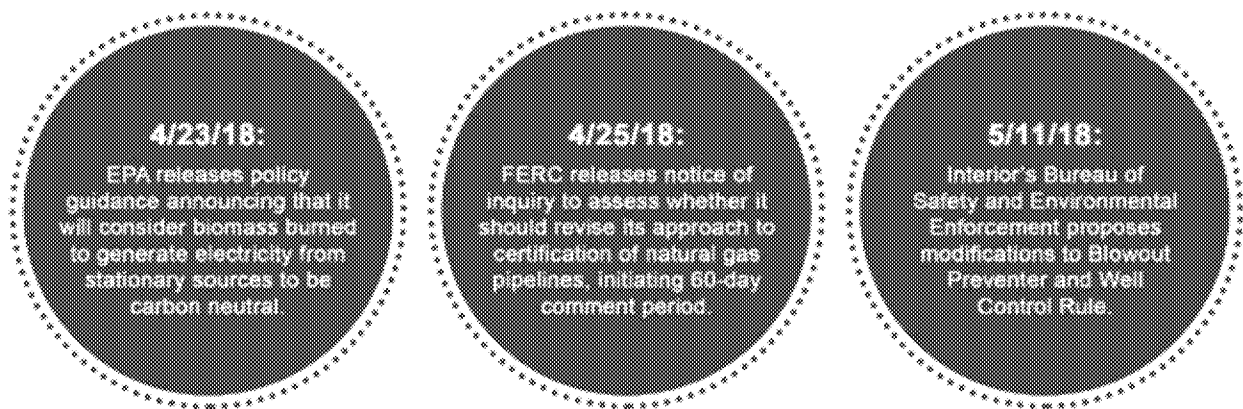
What's New in the Energy Tracker



Dear Brittany,

It's been a busy few weeks in energy policy and litigation—by our count, the busiest stretch yet during the Trump Administration. Below is just a ***small fraction*** of the activity appearing in the latest update of the [Global Energy Institute – Beveridge & Diamond Energy Tracker](#).





As a one-stop shop for monitoring key energy policy and litigation activities, the [Tracker](#) can also bring you up to speed on these, and less noticed developments as well.

Sincerely,

Dan Byers
Vice President Policy
[Global Energy Institute](#)
U.S Chamber of Commerce

P.S. Please share the [Tracker](#) updates with co-workers and colleagues interested in following the latest in energy policy!

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Message

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]
Sent: 5/30/2018 11:01:52 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Boris Epshteyn [bepshteyn@sbgvtv.com]; Jonathan Helman [jrhelman@sbgvtv.com]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Beach, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6b124299bb6f46a39aa5d84519f25d5d-Beach, Chri]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Re: Pruitt Background Brief

<https://www.cleanairact.org/documents/GreatestStory4-17-17.pdf>

See page 12.

Sent from my iPhone

On May 30, 2018, at 6:47 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Does someone have this stat available for Boris? Thank you!

From: Boris Epshteyn [<mailto:bepshteyn@sbgvtv.com>]
Sent: Wednesday, May 30, 2018 6:46 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jonathan Helman <jrhelman@sbgvtv.com>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>
Subject: Re: Pruitt Background Brief

Sounds good! Question, when answering re Paris, the Administrator said the below:

"BETWEEN THE YEARS 2000 AND 2014 BORIS WE CUT OUR CO2 FOOTPRINT BY ALMOST 20 PERCENT."

Could you share a source for that statistic?

Best,

Boris Epshteyn

Chief Political Analyst

Sinclair Broadcast Group

Ex. 6

bepshteyn@sbgstv.com

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On May 30, 2018, at 6:39 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Thanks. Looking forward to Part 2!

From: Boris Epshteyn [<mailto:bepshteyn@sbgstv.com>]
Sent: Wednesday, May 30, 2018 6:20 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jonathan Helman <jrhelman@sbgstv.com>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>
Subject: Re: Pruitt Background Brief

Afternoon, Folks,

Thank you for arranging the interview and big thanks to the Administrator for his time.

Here is part 1 of the interview. Part 2, re Paris, will run on Friday.

<http://wjla.com/news/bottom-line/interview-with-epa-administrator-scott-pruitt-controversies-and-agenda>

Best,

Boris Epshteyn

Chief Political Analyst

Sinclair Broadcast Group

Ex. 6

bepshteyn@sbgstv.com

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On May 29, 2018, at 11:38 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

WHO IS SCOTT PRUITT ...

Scott Pruitt: Politics, baseball and Jesus. "Politics, baseball and Jesus. That's what Scott Pruitt and his friend and campaign manager Matt Pinnell talked about as they crisscrossed Oklahoma in 2006 trying to get Pruitt elected lieutenant governor. Politics, baseball and Jesus. With his energy and persistence, they have carried Pruitt to victory and nursed him through defeat. And they have him on the verge of running the agency many view as the embodiment of government regulation run amok, the Environmental Protection Agency." ([Tulsa World](#), 01/16/17)

Scott Pruitt's Back-to-Basics Agenda for the EPA. "His focus is

neither expanding nor reducing regulation. ‘There is no reason why EPA’s role should ebb or flow based on a particular administration, or a particular administrator,’ he says. ‘Agencies exist to administer the law. Congress passes statutes, and those statutes are very clear on the job EPA has to do. We’re going to do that job.’ You might call him an EPA originalist.” (The Wall Street Journal, 02/17/17)

August 13th Edition, Batter Up With Scott Pruitt! “Scott Pruitt is now the head of the Environmental Protection Agency, but he used to own the triple a minor league baseball team in Oklahoma City. Major league baseball is looking for way to speed up the pace of the game, fearing kids don't think it's fast paced enough like the NBA or NFL. Dave Price talks to Pruitt about the experiment baseball tried to shorten commercial breaks in order to pick things up as a new way of thinking.” (WHO-TV, 08/13/17)

PRESIDENT TRUMP’S COURAGEOUS DECISION TO EXIT PARIS ...

- <!--[if !supportLists]--><!--[endif]-->**The Washington Examiner:** Forget Paris: Fracking is the key to reducing carbon emissions
- <!--[if !supportLists]--><!--[endif]-->**The Wall Street Journal:** Trump Bids Paris Adieu
- <!--[if !supportLists]--><!--[endif]-->**The National Review:** We’ll Never Have Paris
- <!--[if !supportLists]--><!--[endif]-->**The Washington Times:** The Promise To Keep
- <!--[if !supportLists]--><!--[endif]-->**The New York Post:** In ditching Paris deal, Trump does right by America and the world
- <!--[if !supportLists]--><!--[endif]-->**Brian Darling:** Thank You President Donald Trump for Pulling out of Paris Treaty
- <!--[if !supportLists]--><!--[endif]-->**David French:** Trump Defends the Constitution and the Economy by Withdrawing from the Paris Climate Agreement
- <!--[if !supportLists]--><!--[endif]-->**Stephen Moore:** Kudos to Trump for rejecting the climate deal and putting America first
- <!--[if !supportLists]--><!--[endif]-->**GOP Lawmakers:** <https://bit.ly/2sosV4W>

Scott Pruitt, outspoken and forceful, moves to the center of power within the Trump administration. “Less than four months ago, Scott Pruitt arrived in Washington with few connections to President Trump’s inner circle and took the helm of an agency where many employees were openly hostile to him. But the

administrator of the Environmental Protection Agency has emerged as one of the most influential policy architects in the president's Cabinet, a skilled and sometimes brash lawyer who is methodically taking apart a slew of regulations and agreements affecting a range of issues, from manufacturing operations to landfills." (The Washington Post, 06/02/17)

TOP '17 EPA ACCOMPLISHMENTS ...

Eliminated, substantially or entirely, seven sites from the National Priorities List of contaminated sites; only two sites were removed the previous year. EPA also awarded \$60 million in Brownfields cleanup grants to local communities.

- <!--[if !supportLists]--><!--[endif]-->Acted on 322 State Implementation Plans (SIPs) and turned one Federal Implementation Plan into a SIP each month, since March 1, 2017.
- <!--[if !supportLists]--><!--[endif]-->Approved 3,000 Total Maximum Daily Loads and cut the amount of time it took the Agency to review state water quality standards in half (from 120 days to 60).
- <!--[if !supportLists]--><!--[endif]-->Awarded \$25 million in water infrastructure loans; disbursed \$1.4 billion in State Revolving Funds to improve our nation's water quality; and, awarded \$100 million to Flint, Mich. for water infrastructure upgrades.
- <!--[if !supportLists]--><!--[endif]-->Cleared the Agency's backlog of new chemical submissions — containing 600 new submissions as of January 2017 — and ensured that all new chemicals coming to market received a safety determination within about 90 days.
- <!--[if !supportLists]--><!--[endif]-->Full Report:
https://www.epa.gov/sites/production/files/2018-03/documents/year_in_review_3.5.18.pdf

CLEANING-UP TOXIC SUPERFUND SITES ...

At Superfund sites, Scott Pruitt could flip his industry-friendly script. "In pressing for aggressive, accelerated cleanups, he is butting heads with companies while siding at times with local environmental groups. His supporters, and Pruitt himself, say it is evidence he is reinvigorating a core function of the agency. His critics see it as a political move, an effort to protect himself against charges that he constantly favors corporate interests. Yet Pruitt's attention is shifting the conversation in some beleaguered communities. Residents say they don't care what his motivations are — if those bring the results they've long sought. 'Scott Pruitt is probably the most important person right now in the lives of the people in this community,' said Dawn Chapman, who lives with her husband and three children near a controversial site northwest of St. Louis. The landfill there, known as West Lake,

contains thousands of tons of radioactive waste from the World War II-era Manhattan Project. Chapman and other activists are pushing for significant excavation. Pruitt has promised them he will issue a decision within days. There are signs he might seek more extensive — and expensive — removal than EPA staff have recommended in the past. As is the case in Texas, the companies on the hook for the cleanup contend that years of scientific evidence show capping the waste in place would be safer, cheaper and completed sooner. ‘Depending on the decision [Pruitt] makes,’ Chapman said, ‘he will probably forever remain the hero or the villain in the eyes of this community.’” ([The Washington Post](#), 01/23/18)

EPA wants to do partial excavation of contaminants at radioactive West Lake Landfill Superfund site. “In a long-awaited decision that appears to be a compromise, the Environmental Protection Agency on Thursday recommended partial excavation of the West Lake Landfill in Bridgeton to remove radioactive waste linked to the Manhattan Project. The EPA said the proposed remedy, which it calls “Excavation Plus,” is expected to take five years to implement and will remove the “majority” of radioactivity by digging to a depth of about 16 feet, while installing an engineered cover system for long-term protection. ‘The consideration here was timing, it was certainty, it was respect to human health that was being protected,’ EPA Administrator Scott Pruitt told the Post-Dispatch in a phone call Thursday morning.” ([The St. Louis Post-Dispatch](#), 02/01/18)

After Harvey, EPA Administrator vows bold response to polluted sites around Houston. “Environmental Protection Agency Administrator Scott Pruitt, who has visited Texas twice since Hurricane Harvey, vowed Thursday to have ‘an answer’ by next month for a permanent solution to clean up the San Jacinto River Waste Pits. ‘What was concerning about that site in advance of the storm, and is a concern today, frankly, and that is that the response, the capping that’s taken place, this agency’s had to work through remediation efforts every year since 2011,” he said in a Chronicle interview.” ([The Houston Chronicle](#), 09/22/17)

EPA approves plan to stabilize San Jacinto waste pits. “The Environmental Protection Agency has approved a plan to stabilize the riverbed near the San Jacinto River Waste Pits Superfund site to address the hazards of a 20,000-square-foot area where Hurricane Harvey gouged a pit about 12 feet deep.” ([The Houston Chronicle](#), 10/20/17)

Pruitt is working on the redevelopment of Superfund sites in East Chicago and an area of land near the Seattle Seahawks’ practice facility. “Thirty-one of the country’s most contaminated

sites are likely to be available for building new housing, business or other development soon after they are cleaned up, the U.S. Environmental Protection Agency said today, a step that's part of Administrator Scott Pruitt's push to accelerate the cleanup and make the land available for community use... Another example on the list is a Superfund site on the coast of Lake Washington and close to the practice facility for the Seattle Seahawks. It was contaminated by coal tar and creosote from manufacturing until 1969 and a cleanup plan is expected to be finalized in 2019. The owner of the land wants to redevelop it for 10 buildings with retail and residential units, according to an EPA fact sheet." ([ABC News](#), 01/17/18)

REFORMING OBAMA'S AGENDA ...

EPA moves to repeal Obama's Clean Power Plan coal regs. "EPA Administrator Scott Pruitt announced Monday that the Trump administration is moving to scrap the Clean Power Plan, the Obama administration's signature regulatory program to curb emissions from coal-fired power plants. Pruitt made the announcement at an event in Hazard, Ky., casting the previous policy as unfair. "That rule really was about picking winners and losers," Pruitt said. "The past administration was unapologetic, they were using every bit of power, authority to use the EPA to pick winners and losers on how we pick electricity in this country. That is wrong." ([Fox News](#), 10/09/17)

EPA, U.S. Army Move to Rescind Obama's 2015 "Waters of the United States (WOTUS) rule." "The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. This action would, when finalized, provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States." The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice. 'We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses,' said Administrator Scott Pruitt. 'This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.'" ([Press Release](#), 06/27/17)

REFORMING EPA ...

EPA staffing falls to Reagan-era levels. “The Environmental Protection Agency’s (EPA) staffing is now lower than it was in former President Reagan’s final year in office. An EPA spokeswoman said Tuesday that, as of Jan. 3, the agency had 14,162 employees, down from about 15,000 at the beginning of last year. That’s even lower than the 14,400 employees the agency had in fiscal year 1988, Reagan’s final year.” ([The Hill](#), 01/09/18)

Pruitt moves to shake up EPA advisory boards by removing conflict of interest. “Scientists who receive grants from the Environmental Protection Agency will no longer be allowed to simultaneously serve on the agency’s nearly two dozen advisory boards, an unprecedented directive EPA Administrator Scott Pruitt said would increase the scientific integrity behind its rule-making. ‘Whatever science that we are involved in here at the EPA shouldn’t be political science,’ Pruitt told a group of reporters Tuesday. ‘We want to ensure that the American people have confidence ... in the process and that the advisers that we have in each of these respective capacities are providing independent, arms-length input to us as we make decisions.’” ([USA Today](#), 10/31/17)

Administrator Pruitt Issues Directive to End EPA “Sue & Settle.” “In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive today designed to end “sue and settle” practices within the Agency, providing an unprecedented level of public participation and transparency in EPA consent decrees and settlement agreements. ‘The days of regulation through litigation are over,’ said EPA Administrator Scott Pruitt. ‘We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney’s fees to these groups with which we swiftly settle.’” ([EPA Press Release](#), 10/16/17)

WAR ON LEAD ...

EPA’s Scott Pruitt declares ‘war on lead,’ three years after Flint water crisis began. “EPA Administrator Scott Pruitt has begun an effort to ‘eradicate’ lead poisoning from drinking water, more than three years after the crisis in Flint, Michigan, started. Pruitt hosted a meeting Jan. 8 for state and local officials at agency headquarters in Washington to obtain feedback on ways to update the 1991 Lead and Copper Rule, a federal mandate that dictates how communities test for lead in drinking water. It has

not been revised in more than a decade.” ([The Washington Examiner](#), 01/23/18)

EPA will move to label chemical found in drinking water

'hazardous.' “Environmental Protection Agency chief Scott Pruitt says the agency will move to regulate as ‘hazardous’ a type of harmful chemical found in the drinking water of millions of Americans, calling it a ‘national priority.’ The type of chemical is commonly known as PFAS or PFOS and is used in nonstick pans, making furniture and carpets stain resistant, absorbing grease in products like pizza boxes as is contained as well in firefighting foam commonly used at airports. EPA first published rules about the chemical in 2002 when the 3M company agreed to phase them out. The EPA studied the health effects of exposure for several years and published a health advisory in 2016.” ([ABC News](#), 05/22/18)

EPA moves toward updating lead water pipe standards. “The Trump administration is moving forward on potentially updating the 26-year-old standards meant to keep lead out of drinking water. Environmental Protection Agency (EPA) head Scott Pruitt reached out to groups representing states and municipalities in a Thursday letter, inviting them to meet next month about potential revisions the agency is considering to what’s known as the Lead and Copper Rule.” ([The Hill](#), 12/14/17)

Jahan Wilcox

EPA

Strategic Communications Advisor

Work Cell: **Ex. 6**

Work Email: wilcox.jahan@epa.gov

<05.30.18 - Pruitt Brief.docx>

From: Sue Forrester [globalenergy@uschamber.com]
Sent: 6/28/2018 6:49:31 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Energy in America and Around the World

2018 World Gas Conference and June Energy Tracker Updates



Dear Brittany:

Energy leaders from across the globe converged on Washington, DC this week for the World Gas Conference. [Our latest blog](#) recognizes the extraordinary growth of the U.S. liquefied natural gas (LNG) industry, which has enhanced the energy security of allies and trading partners while also reducing our trade deficit here at home.



Earlier this month, the Trump Administration touted progress of its regulatory reform agenda as it marked the milestone of 500 days in office, emphasizing its support for expanded energy production, the elimination of regulatory red tape and increasing energy exports to allies around the world.

We've been tracking the countless individual agency actions that comprise this agenda—and the litigation that accompanies them—since Day 1. They are all covered in our June update to the [Global Energy Institute – Beveridge & Diamond Energy Tracker](#).

White House

POTUS signs Executive Orders on energy efficiency and ocean policy.

EPA changes to WOTUS and 2008 ozone "good neighbor" rules sent to OMB for review.

Interior

BLM issues information bulletin intended to make the NEPA process more efficient, including through the expanded use of categorical exclusions.

Secretary Zinke announces \$4 million Fish and Wildlife Service grant to support oil exploration readiness in the ANWR Coastal Plain.

Litigation

D.C. Circuit rejects lawsuit seeking to force Interior Department to update its coal leasing program to account for greenhouse gas emissions.

District Court in Georgia grants motion by nine states requesting injunction blocking WOTUS rule.

FERC

FERC denies rehearing request objecting to the Commission's limited review of upstream and downstream greenhouse gases associated with its approval of two gas compressor stations.

EPA

Issues proposed rule amending Risk Management Program.
Issues ANPR seeking input on ways to improve cost-benefit analyses.
EPA proposes RFS volume standards for 2019, and biomass-based diesel volumes for 2020.

Thanks to the current administration's focus on unleashing the power of U.S. energy resources, American energy production continues to benefit the country – and is now benefiting the world.

Sincerely,

Sue Forrester
Managing Director
Global Energy Institute
U.S Chamber of Commerce

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Message

From: Dan Bosch [dbosch@americanactionforum.org]
Sent: 6/26/2018 2:53:47 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Reg Reference Group Meeting - July

Flag: Follow up

Hi Brittany,

I believe our paths may have crossed, at least via email, back when I worked at NFIB and you worked at EPW. Anyway, I apologize if I have directed this to the wrong person, but as best I can tell, you're currently the Regulatory Reform Officer at EPA. I'm helping organize the next Reg Reference Group meeting, along with the Mercatus Center and GWU Regulatory Studies Center, and I thought you would be a great fit for the discussion. Would you have any interest in providing an update on challenges and successes EPA has had in implementing regulatory reforms and budgets over the past year?

We are looking at the week of July 23rd for the meeting, which will take place over lunch. We will host it up at the Capitol, or at a nearby office, and the Regulatory Reform Officers from DoT, DoD, or Treasury may also make a similar, brief presentation. We would like the attendees to learn from your experiences, and hopefully provide insights that will help you in your RRO capacity.

A quick blurb on the meeting: Reg Reference Group is an informal working group that enables researchers and communicators interested in regulatory reform to exchange their ideas, needs, research, and events with each other. The event is "off the record" and we usually have between 20 and 50 attend any given meeting.

Please let me know if this is of interest to you. We would love to hear from you.

Dan Bosch

Director of Regulatory Policy

American Action Forum

1747 Pennsylvania Ave. NW, Fifth Floor

Washington, DC 20006

Ex. 6

dbosch@americanactionforum.org

Message

From: Dan Byers [globalenergy@uschamber.com]
Sent: 1/19/2018 3:29:28 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: The Trump Administration Turns One: January Energy Tracker Updates



Dear Brittany,

As the Trump Administration enters year two, it makes sense to take stock of the progress made on the President's ambitious energy reform agenda.

While most people are familiar with the big ticket items such as approval of Keystone XL, repeal of the Clean Power Plan, and exploration of the Alaska National Wildlife Refuge, many equally impactful elements of the agenda are playing out below the radar, in the form of countless individual regulatory actions and key litigation.

The [Global Energy Institute – Beveridge & Diamond Energy Tracker](#) provides a great tool to monitor these individual actions that are an easily forgotten part of the bigger picture. The Energy Tracker also keeps an ongoing tally of key executive actions and regulatory reform progress across federal agencies.

Have a visit to see the latest updates through January 19. Be sure to bookmark the [Tracker](#) and our [quick reference guide](#) for use as your one-stop resource for the latest updates on a broad swath of energy policy and litigation news and information as well as quick links to official documents and other public materials.

Until next month!

Sincerely,

Dan Byers
Vice President Policy
[Global Energy Institute](#)
U.S. Chamber of Commerce

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From: Karen Harbert [globalenergy@uschamber.com]
Sent: 5/8/2018 4:30:53 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: What Powers the House of the Future?

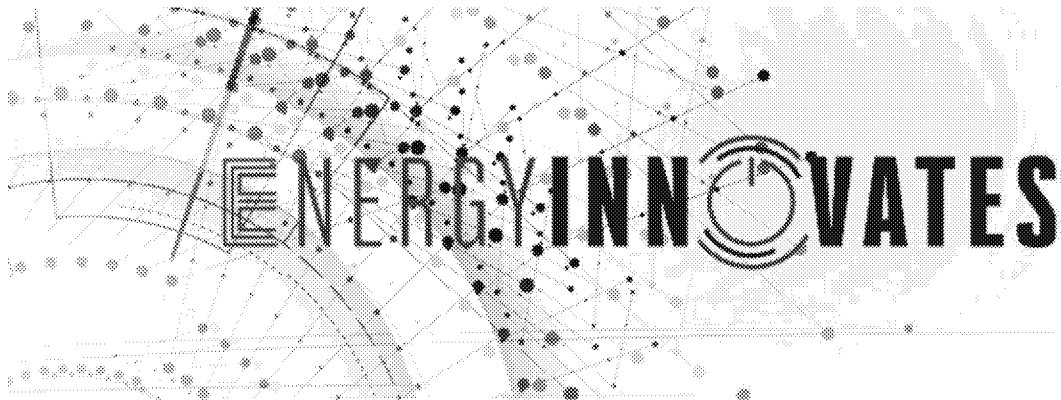
Energy Brings America's Future to Life

Dear Brittany,

America's rise as a global energy superpower has been driven by constant advancements in technology, innovation and ingenuity.

While consumers may not think about it when they flip the light switch, turn on the air conditioner, or when they gas up their car, the American energy industry is at the forefront of innovation and technology development for one of our most basic needs – energy.

Today, we are launching a new initiative to highlight the advances that are making our modern way of life possible – [EnergyInnovates](#)

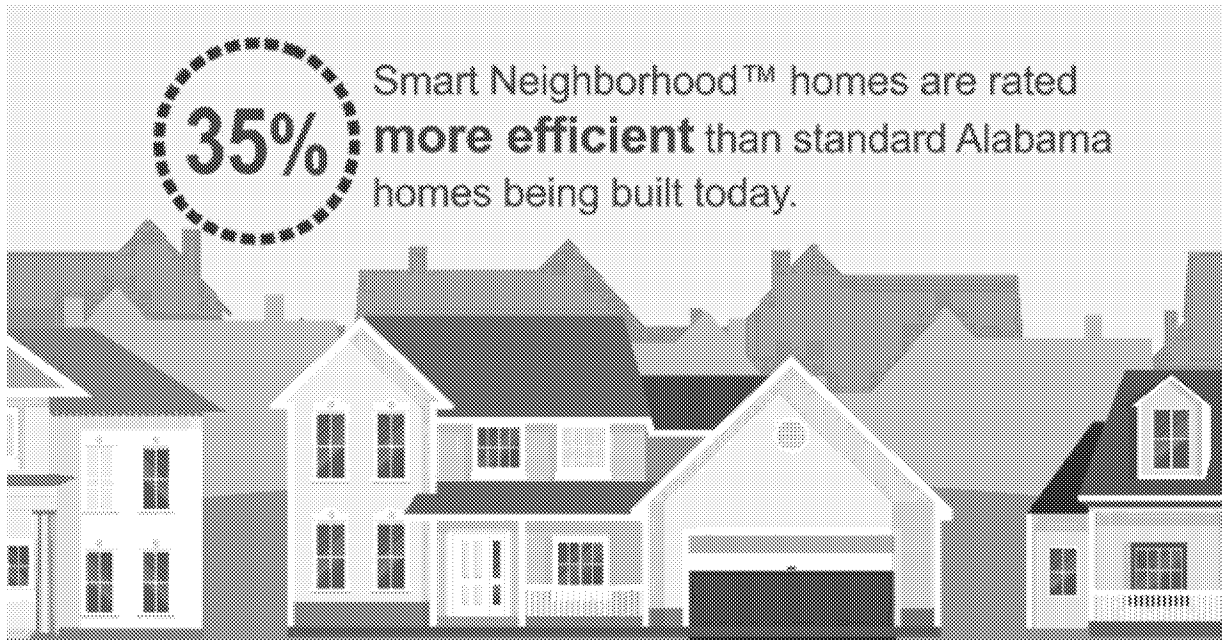


Our goal is to put a spotlight on the ingenuity behind America's ongoing energy revolution, especially the investments being made to find new and better ways to produce, transmit, and use energy.

[EnergyInnovates](#) will highlight innovative projects and technologies, as well as the forward thinkers, engineers and manufacturers responsible for their development. The initiative will

include facility tours and site visits, interviews, extensive digital content, and events around the nation.

The initiative kicks off today with a visit to **Alabama Power's Smart Neighborhood™**, a collection of 62 homes that feature high performance energy efficient systems, cutting edge interconnectivity, and a dedicated micro-grid incorporating solar, battery storage, and natural gas power supplies.



These homes are built standard with advanced systems and appliances and provide residents with nearly unprecedented control over their household energy use, while also collecting and analyzing data from the homes that will support further advancements in the future.

Follow along on our [website](#), [Facebook](#) and [Twitter](#) as we take a tour of this energy innovation. We'll share more about the Smart Neighborhood™, and visit with the many local innovators that played a vital role in the conception, development, and delivery of what is arguably the most advanced community in the country.

Please join us on our tour of the places across America where *EnergyInnovates*.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Harbert".

Karen Harbert
President and CEO
[Global Energy Institute](#)
U.S. Chamber of Commerce

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Message

From: Dan Byers [globalenergy@uschamber.com]
Sent: 8/1/2018 5:21:31 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: The Storm Before the Calm: July Energy Tracker Updates

The Latest on Keystone XL, ESA, CPP and much more

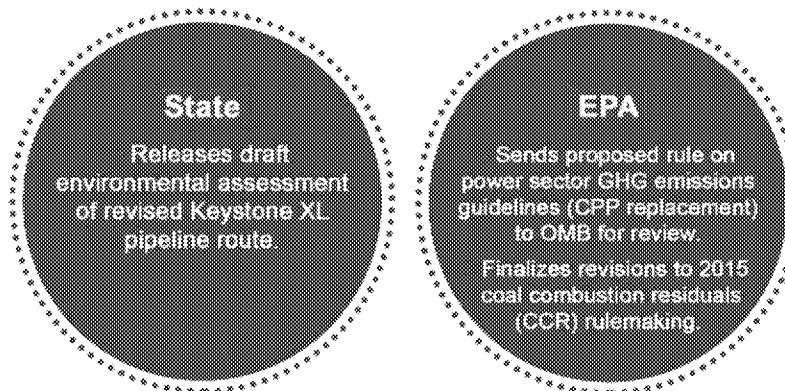


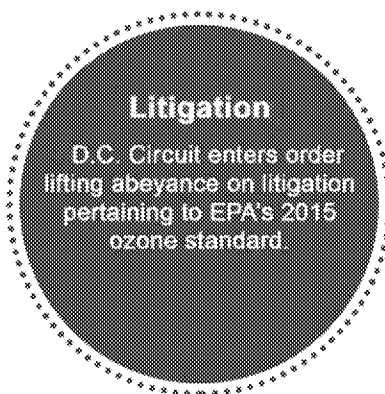
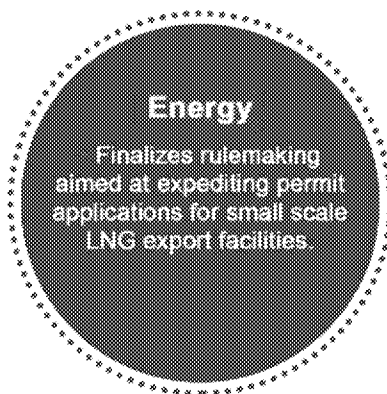
Dear Brittany:

Skipping town for August? Before you disappear, check out this month's update to the [Global Energy Institute – Beveridge & Diamond Energy Tracker](#).

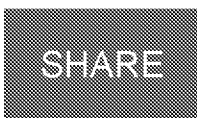
Whether the issues you are interested in are high-profile or down in the weeds, [the Tracker](#) is a one-stop shop for monitoring key energy policy and litigation activities, as well as quick access to agency comment dockets and other official materials.

Below is just a small sample of the activity appearing in our latest update—click below to check it out!





Please share the [Tracker](#) updates with co-workers and colleagues interested in following the latest in energy policy.



Have a great summer!

Sincerely,

Dan Byers
Vice President Policy
[Global Energy Institute](#)
U.S Chamber of Commerce



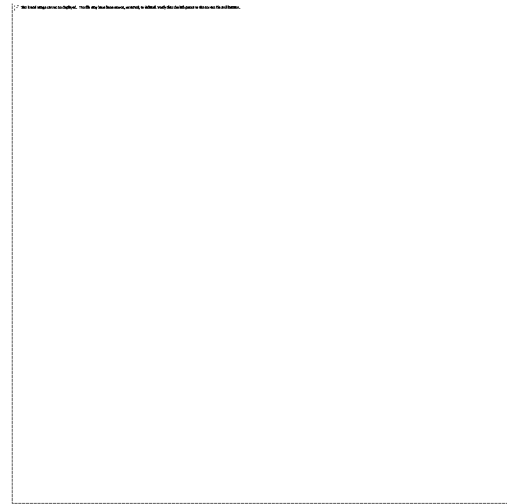
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Message

From: Letendre, Daisy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B691CCCCA6264AE09DF7054C7F1019CB-LETENDRE, D]
Sent: 3/27/2018 8:59:39 PM
To: Kate Fay [Kate.Fay@nblenergy.com]; Benevento, Douglas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93dba0f4f0fc41c091499009a2676f89-Benevento,]
CC: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Chad Calvert [Chad.Calvert@nblenergy.com]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: RE: Following up on Noble Energy Site and Training Center Visit
Flag: Follow up

Kate – it was great to see you twice in two months at both the roundtable and at ECOS! I think this idea for a sight visit is great as the agency looks to better understand existing and future environmental technologies. Forgive me if you and Doug have already been in touch regarding scheduling – I'd love to help think through the best timing for this, let me know how I can facilitate. I've included my colleague Brittany Bolen on this email for her awareness as well.

Best,

Daisy C. Letendre
Letendre.Daisy@epa.gov

From: Kate Fay [mailto:Kate.Fay@nblenergy.com]
Sent: Friday, March 23, 2018 11:23 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Letendre, Daisy <letendre.daisy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Chad Calvert <Chad.Calvert@nblenergy.com>
Subject: Following up on Noble Energy Site and Training Center Visit

Dear Doug:

It was great to see you during the oil and gas roundtable. Thank you for hosting a productive exchange of ideas and solutions. We, at Noble, hope to continue the conversation both in formal settings like the Roundtable and less formal ones as the need arises. We are at your disposal to help advance smart and effective public policy.

As we discussed during a break at the Roundtable, Noble Energy would very much like to host an opportunity for you and your colleagues to gain a more direct, first-hand understanding of environmental technologies Noble uses to meet federal and state requirements AND that reflect our constant efforts to innovate. As such, we would be pleased to offer you and interested EPA Regional and HQ leaders (we have mentioned a site visit to Clint Woods and Daisy Letendre, among others) an opportunity to visit the Noble Energy Safety and Training Center in Greeley, and a couple of nearby production locations in Weld County (about 45 minutes from Denver). The Safety and Training Center is a unique opportunity to see the technology up close in a controlled and safe educational environment. At the nearby production locations in the field, we can show the progression of technology and design from older facilities to the latest generation of innovation and regulation. This tour has proven to be very helpful to state regulators as well, including ECOS shale gas caucus teams.

This tour takes about three hours from door to door at the Noble Greeley office - plus travel time from Denver. We could also arrange a single vehicle to pick up and drop off at EPA in Denver, which can save about 45 minutes in that we can return directly to Denver from the field (if EPA is able to receive such an offer of transport).

Please let either Chad Calvert or me know who we should work with at EPA to schedule timing and logistics. Also let us know if there are other stages of the production lifecycle you would be interested in seeing. We could easily work in a drilling or completion/fracking operation if you want.

Thank you, we look forward to hearing from you and working with the EPA team.

Kate

Please note my new email address: kate.fay@nblenergy.com

Kate Fay
Senior Manager, Environmental and Regulatory Policy
Noble Energy, Inc.
1625 Broadway, Suite 2200
Denver, Colorado 80202

Ex. 6 (cell)
(office)

Message

From: Meghan Milloy Ex. 6
Sent: 2/13/2018 4:18:07 PM
To: Meghan Milloy [mmilloy@americanactionforum.org]
Subject: Reminder - Environmental Policy Panel - TONIGHT

We are looking forward to seeing you all tonight for our conversation on environmental and climate policy issues. Information is below. Don't hesitate to reach out with any questions.

Republican Women for Progress announces its inaugural policy circle discussion, co-hosted with 1Planet, a new climate advocacy group for women.

A panel discussion, "Politics & Policy: Climate change, energy and the environment" will be held on **Tuesday, February 13th**, 2018 from 5:45pm until 7:00pm.

Location: APCO Worldwide, 1299 Pennsylvania Avenue, NW, Washington, D.C. 20004

The discussion will be moderated by Axios reporter, **Amy Harder**, author of Harder Line, a weekly column on energy and climate. Participants include: **Alex Herrgott**, Associate Director for Infrastructure at the White House Council on Environmental Quality, **Katherine Hamilton**, Chair of 38 North Solutions, **Morgan Gerard**, an associate in the energy practice group of Rubin and Rudman LLP, **Meghan Milloy**, Co-founder of Republican Women for Progress and **Christine Matthews**, Co-founder of 1Planet and President of Bellwether Research.

Beverages and light fare will be provided.

Message

From: Dimitri.Karakitsos@hklaw.com [Dimitri.Karakitsos@hklaw.com]
Sent: 6/18/2018 6:56:41 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]
Subject: You're Invited – Holland & Knight's Annual Rooftop Party: Not Your Typical Amusement Park

Please pass along to Susan and anyone else I may have missed. Daisy feel free to share with Stephen and Mandy share with Alex please. Hope you all can (and are allowed) to come!



The Capital isn't your typical amusement park. Set at the intersection of the near future and the reimagined past. Intended for those with an agenda.

Holland & Knight invites you to explore a futuristic "Wild Wild West Wing" – a world of mystery, action and thrills looked after by what some may call "robotic" hosts. Come celebrate a summer afternoon with us ... with a twist. The park's guests will have their palettes indulged, from simple finger foods and savory hors d'oeuvres to handcrafted cocktails and beer.

Come join us for this epic takeover of the chaotic Capital.

Date/Time: Thursday, June 21, 2018
5:30 – 9:00 p.m.

Where: Holland & Knight
800 17th Street N.W.
Suite 1100
Washington, DC 20006

Please Note: Holland & Knight has consulted with the House and Senate Ethics Committees regarding this event's compliance with applicable House and Senate rules.

This invitation is nontransferable.

RSVP

Space is limited. Please RSVP to Sarah Caramanica by June 19.

**Connect
With Us:**



Holland & Knight

The information provided herein presents general information and should not be relied on as legal advice when analyzing and resolving a specific legal issue. If you have specific questions regarding a particular fact situation, please consult with competent legal counsel about the facts and laws that apply.

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Dimitrios Karakitsos | Holland & Knight

Partner

Holland & Knight LLP

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Message

From: Thompson, Ryan [thompsonr@akingump.com]
Sent: 12/6/2017 7:10:34 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
CC: Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]
Subject: Re: Thank you!

Brittany, thank you and good to reconnect Daisy!!

Daisy, perhaps I could bring Abby Donovan with American Airlines by to hear more about the aviation smart sector work?

Thanks again! -Ryan

Ryan Day Thompson

AKIN GUMP STRAUSS HAUER & FELD LLP

Mobile: **Ex. 6** thompsonr@akingump.com | akingump.com | [Bio](#)

On Dec 6, 2017, at 12:00 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Ryan – thanks for your email. Before I forget, I’m copying my colleague Daisy Letendre -- another JMI staff alumnae – who we mentioned yesterday re: Smart Sectors program. Hope you two can connect sometime soon.

Best,
Brittany

From: Thompson, Ryan [<mailto:thompsonr@akingump.com>]
Sent: Wednesday, December 6, 2017 10:13 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Thank you!

Sam, Brittany and Alex,

Thank you all very much for taking the time to meet with Nate, Abby and Chris yesterday from American Airlines - we are very grateful for your time yesterday. I am glad we were able to discuss American’s Oklahoma footprint in the meeting in addition to the original topic. Please let me know how we can be helpful going forward and thank you all again.

Mandy, I am sorry we missed you, but we know you were up to important work elsewhere! Thanks to you and Alex for helping set the meeting originally.

All the best,

Ryan

Ryan Day Thompson

AKIN GUMP STRAUSS HAUER & FELD LLP

Mobile: **Ex. 6** thompsonr@akingump.com | akingump.com | [Bio](#)

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Message

From: Dimitri.Karakitsos@hklaw.com [Dimitri.Karakitsos@hklaw.com]
Sent: 2/7/2018 9:04:08 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: FOIA

Hey Brittany,

Hope you are doing well and congrats on the engagement! If you have a minute to chat I have a quick question for you. Feel free to call my cell anytime - **Ex. 6**

Thanks,

Dimitri

Dimitrios Karakitsos | Holland & Knight

Partner

Holland & Knight LLP

800 17th Street N.W., Suite 1100 | Washington, DC 20006

Phone: **Ex. 6** Fax 202.955.5564

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Message

From: Dan Byers [globalenergy@uschamber.com]
Sent: 2/22/2018 8:02:42 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Tracking Tariffs and Taxes and WOTUS

Read about the latest progress in energy policy, regulatory reform and more



Dear Brittany,

The energy policy landscape is always changing, and the last few weeks have been no exception. **Need quick access to the latest official actions from the Trump Administration and Congress?**

The Global Energy Institute – Beveridge & Diamond Energy Tracker provides a one-stop shop for monitoring and accessing official materials related to key energy policy and litigation activities.

Significant updates over the last month that are covered in the Tracker include:

- **President Trump** imposed new tariffs of the import of solar panels.
- **Congress** passed legislation containing significant energy provisions—most notably a package of tax credit extensions headlined by expansion of the “45Q” carbon sequestration credit.
- The **Department of Interior** scheduled the largest lease sale in U.S. history for March, while the **Supreme Court** and **EPA** both advanced decisions impacting the implementation of the Waters of the United States regulation.

In total, the Tracker includes the latest on more than 80 different issues, as well as cumulative data summarizing overall progress on energy policy, regulatory reforms and litigation.

ACTION ON ENERGY POLICY, REGULATORY REFORM AND LITIGATION

PRESIDENT TRUMP

- 8** executive orders
- 4** presidential memoranda
- 5** public laws

THE ADMINISTRATION

- 15** energy-related regulatory/policy reforms initiated or under review
- 7** reforms formally proposed
- 20** reform actions that have been finalized or completed

THE COURTS

Litigation pertaining to at least **15** actions is underway or ongoing.

Know a co-worker or colleague who needs the latest in energy updates? Share the Energy Tracker with them today.

Share

Stay tuned for more updates as we continue to track energy policy and litigation developments in 2018.

Sincerely,

Dan Byers
Vice President Policy
Global Energy Institute
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Message

From: Kate Fay [Kate.Fay@nblenergy.com]
Sent: 11/16/2017 2:54:33 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Meeting Request week of Dec : Noble Energy and Anadarko Petroleum Meetin

Hi Mandy and Brittany:

I hope you are well and beginning to get some relief now that you have more "air support". It's been a crazy few months on from all ends.

I expect you may be in Europe at the moment, but I wanted to get a message to you now to ask for a meeting during the week of December 4 (preferably the on the 5, afternoon of the 6th or the 7th) to discuss ozone with you and appropriate team. This would be a meeting with both Noble Energy and Anadarko Petroleum and we would discuss progress on addressing this challenging topic, including offering some specific solutions for Colorado.

I have already met with Doug Benevento to just to touch on the matter as he is getting his feet on the ground, but there are some key policy options we want to present and discuss. I have also been in close contact with the the State on solutions.

Would you be so kind as to put me in touch with your scheduler so we could discuss for 30 -60 minutes. We promise to use your time wisely.

Thanks in advance for following up.

Kate

Kate Fay
Director, Environmental & Regulatory Policy
Noble Energy, Inc.
Denver, Colorado 80202

Ex. 6

Kate Fay

Ex. 6

On Jul 6, 2017, at 12:01 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Hi Kate,
Please work with Alex to confirm a time.
Best,
Mandy

From: Kate Fay [<mailto:Kate.Fay@nblenergy.com>]
Sent: Thursday, July 6, 2017 12:08 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Meeting on July 20?

Hi Mandy:

Sorry to bother you again...we are still trying to get on your calendar later this month. The times below work, but we could also meet Friday morning after 10:30.

Thanks, Kate

Hi Mandy:

My VP of Environmental (Bob Bemis) and I would like to come meet with you either during the morning (before 11 am) or after 1:30 on July 20 if that would work? Topic: Ozone and OOOOa. Also wondering if it might make sense for Georg Sugiyama to attend since we would like to put a few "mechanical" ideas you regarding ozone. Just a thought.

Thanks for your consideration.

Kate

Please note my new email address: kate.fay@nblenergy.com

Kate Fay
Manager, Environmental and Regulatory Policy
Noble Energy, Inc.
1625 Broadway, Suite 2200
Denver, Colorado 80202

Ex. 6 (cell)
(office)

Message

From: Todd D Young [TDYoung@uss.com]
Sent: 6/30/2017 3:16:49 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Thank you
Flag: Follow up

Brittany,
Thank you for your time yesterday and listening to several regulatory reform priorities of America's steel producers. The opportunity to share our perspective is very much appreciated.
And as a Pittsburgh headquartered company, if you're ever back visiting and interested in a tour of our mill, please let me know.
Best regards,
Todd Young



Todd D. Young
Managing Director - Federal Governmental Affairs

901 K Street, NW
Suite 1250
Washington, DC 20001

Ex. 6 office
mobile
tdyoung@uss.com

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From: Sue Forrester [globalenergy@uschamber.com]
Sent: 4/13/2018 4:00:35 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: GEI Leaders in the Media

Read more on the latest energy issues



Breaking News

GEI's Dan Byers made the following comment on President Trump's Executive Memorandum on EPA [air quality standards](#):

Today's presidential directive contains commonsense reforms that will improve the air quality regulatory process so domestic manufacturing and job creation face fewer regulatory barriers. The EPA, states, and businesses have a long track record of working cooperatively to improve air quality across the nation. Unfortunately, during the previous administration, that cooperation was abandoned in favor of an overly aggressive approach that unfairly burdened state and local economies. This made it more difficult and costly to obtain permits for badly needed infrastructure, energy, and manufacturing activities. The measures in today's directive will restore the cooperation necessary for continued environmental progress while enhancing the competitiveness of U.S. industry. We look forward to working with EPA as it executes this directive.

Karen Harbert Featured in BIC Magazine

Karen was featured in *BIC Magazine*, North America's largest news source on petrochemical projects and expansions, where she discussed the impact of oil and gas regulations, and the importance of understanding American energy issues. Read the article [here](#).

Christopher Guith on Bipartisan Policy Center's Podcast

GEI's Christopher Guith recently joined Brad Townsend of the Bipartisan Policy Center's American Energy Innovation Council on a [podcast](#) to discuss U.S. competitiveness, technology and innovation, and what to expect in the next generation of energy. Listen to the full podcast on the [U.S. Chamber website](#). Below is a Q&A excerpt from the podcast.

On the current landscape of U.S. competitiveness in long-range global energy technology markets:

If you look at the broadest sense of the question, things are really, really good right now. The trends are going in the right direction, which is to say, first and foremost, the passage of the tax reform legislation has started the process of allowing significant amounts of capital to flow into things like R&D.

U.S. Chamber Praises "One Federal Decision" MOU

In an effort to streamline infrastructure permitting, the White House issued the "One Federal Decision" memorandum of understanding to ensure America's infrastructure projects aren't bureaucratically delayed while still ensuring our air and water are protected. In case you missed it, below is the U.S Chamber's statement.

The U.S. Chamber has taken a leading role for years in the effort to streamline the permitting process. Bringing infrastructure projects to completion quickly and efficiently is critical for generating economic growth, which is why we made permit streamlining a cornerstone of our infrastructure plan. Simply put, it shouldn't take longer to approve a project than to build it. Environmental reviews are crucial to ensuring clean air and water, but it's possible and necessary for the reviews to be completed in a more timely manner. We welcome the administration's commitment to One Federal Decision and applaud it as a much-needed step in the process to modernize America's infrastructure. We're eager to see more of this kind of reform-minded progress from the administration and Congress in the weeks and months to come.

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From: Dan Byers [globalenergy@uschamber.com]
Sent: 4/3/2018 5:18:12 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: The latest on fuel efficiency standards, energy litigation, and more.....

April Energy Tracker Updates



Dear Brittany:

Below are the latest updates to the [Global Energy Institute – Beveridge & Diamond Energy Tracker](#). Headlining the updates over the last month is today's announcement by EPA Administrator Scott Pruitt that his agency will revise light-duty vehicle fuel efficiency standards.

As a one-stop shop for monitoring key energy policy and litigation activities, the [Tracker](#) can also bring you up to speed on less noticed developments as well. Other notable updates last month include:

- [3/12/18](#): EPA finalizes proposal to stay deadlines pertaining to stay certain requirements associated with 2016 methane NSPS rule.
- [3/12/18](#): Court issues opinion upholding FERC waiver overruling New York's permit denial for Millennium's Valley Lateral pipeline.
- [3/13/18](#): EPA issues guidance memo clarifying application of "project netting" determinations associated with New Source Review (NSR) permitting requirements. For a detailed summary of this and related actions, please see this [Beveridge and Diamond News Alert](#).
- [3/16/18](#): D.C. Circuit holds oral arguments in challenge to EPA delay of Risk Management Plan regulation (*Air Alliance Houston v. EPA*, No. 17-1155).
- [3/23/18](#): U.S. District Court of North Dakota issues order granting states' request to resume litigation on WOTUS rule.
- [3/26/18](#): Environmental petitioners file for review of EPA's final action reversing "once-in, always-in" policy under section 112 of the Clean Air Act.
- [3/27/18](#): National Highway Traffic Safety Administration proposes to retain civil penalties for auto manufacturer CAFE violations, rejecting Obama Administration proposal to increase fines.
- [4/3/18](#): EPA announces completion of the Midterm Evaluation (MTE) process for light duty vehicle GHG standards for model years 2022-2025, determining that current standards are not appropriate and should be revised.

Please share the Tracker updates with co-workers and colleagues interested in following the latest in energy policy!

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Sincerely,

Dan Byers
Vice President Policy
Global Energy Institute
U.S Chamber of Commerce

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From: Guith, Christopher [CGuith@USChamber.com]
Sent: 4/12/2018 9:39:00 PM
To: Guith, Christopher [CGuith@USChamber.com]
Subject: Chamber Statements on OFD & NAAQS Memo

U.S. Chamber statement on Presidential memo on air quality regulatory processes:

"Today's presidential directive contains commonsense reforms that will improve the air quality regulatory process so domestic manufacturing and job creation face fewer regulatory barriers. The EPA, states, and businesses have a long track record of working cooperatively to improve air quality across the nation. Unfortunately, during the previous administration, that cooperation was abandoned in favor of an overly aggressive approach that unfairly burdened state and local economies. This made it more difficult and costly to obtain permits for badly needed infrastructure, energy, and manufacturing activities. The measures in today's directive will restore the cooperation necessary for continued environmental progress while enhancing the competitiveness of U.S. industry. We look forward to working with EPA as it executes this directive."

See more at: <https://www.globalenergyinstitute.org/us-chamber-statement-presidential-air-quality-memo>

US Chamber Praises One Federal Decision MOU

The following statement is from Neil Bradley, executive vice president and chief policy officer for the U.S. Chamber of Commerce: "The U.S. Chamber has taken a leading role for years in the effort to streamline the permitting process. Bringing infrastructure projects to completion quickly and efficiently is critical for generating economic growth, which is why we made permit streamlining a cornerstone of our infrastructure plan. Simply put, it shouldn't take longer to approve a project than to build it. Environmental reviews are crucial to ensuring clean air and water, but it's possible and necessary for the reviews to be completed in a more timely manner. We welcome the administration's commitment to One Federal Decision and applaud it as a much-needed step in the process to modernize America's infrastructure. We're eager to see more of this kind of reform-minded progress from the administration and Congress in the weeks and months to come." For more information about the U.S. Chamber's infrastructure plan, please click here.

See more at: <https://www.globalenergyinstitute.org/us-chamber-praises-one-federal-decision-mou>

Message

From: Byers, Dan [DByers@USChamber.com]
Sent: 3/20/2018 3:19:07 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Quick question

Hi Brittany,

Hope you are well. Sorry to bother you but I have a specific and somewhat time-sensitive question that I thought you might be able to help me with. (I also have one non-time sensitive item to flag for you.) If you have a moment today, could you give me a ring at Ex. 6? Thanks!

Dan

Message

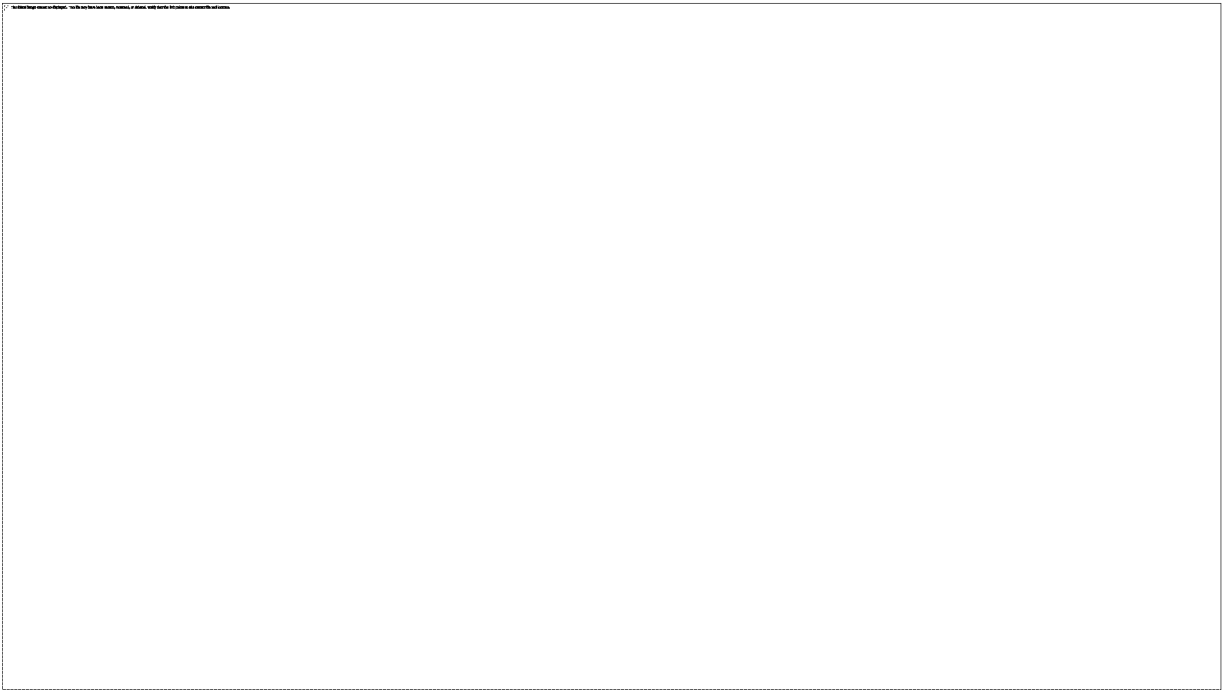
From: Global Energy Institute [globalenergy@uschamber.com]
Sent: 3/30/2018 2:03:46 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: The Future of Energy



Energy Round-Up

2017 Electricity Price Map

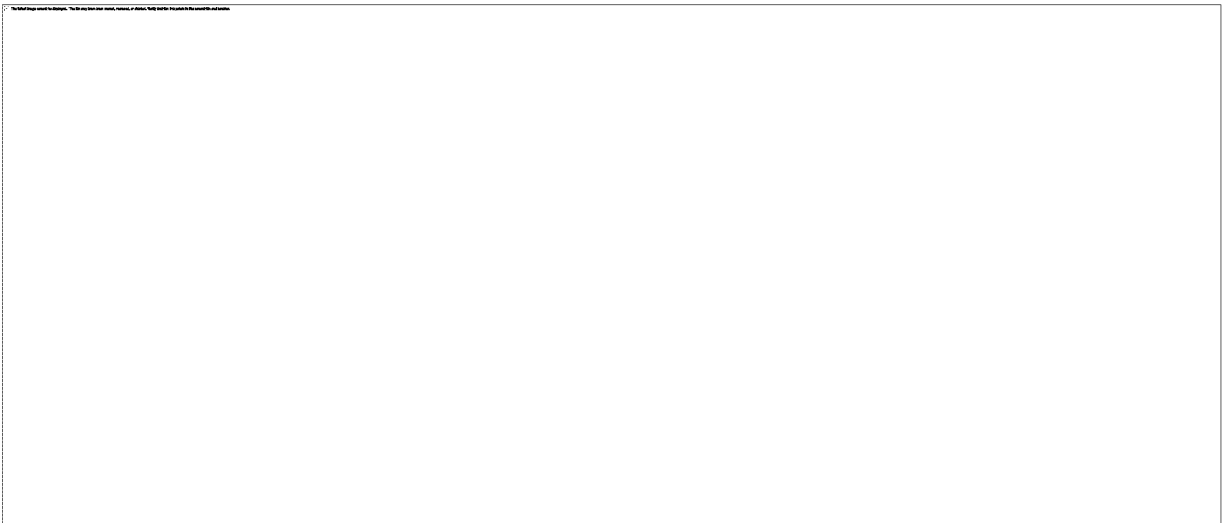
This week we rolled out our [2017 Electricity Price Map](#), which features a state-by-state comparison of electricity prices across the United States. This year's national average electricity rate was 10.54 cents kWh – the highest average rate in the past four years. You can find more information about the price trends of the map [HERE](#) on our blog.



.....

The "Zombie" Ozone Regulation that Threatens Transportation and Infrastructure

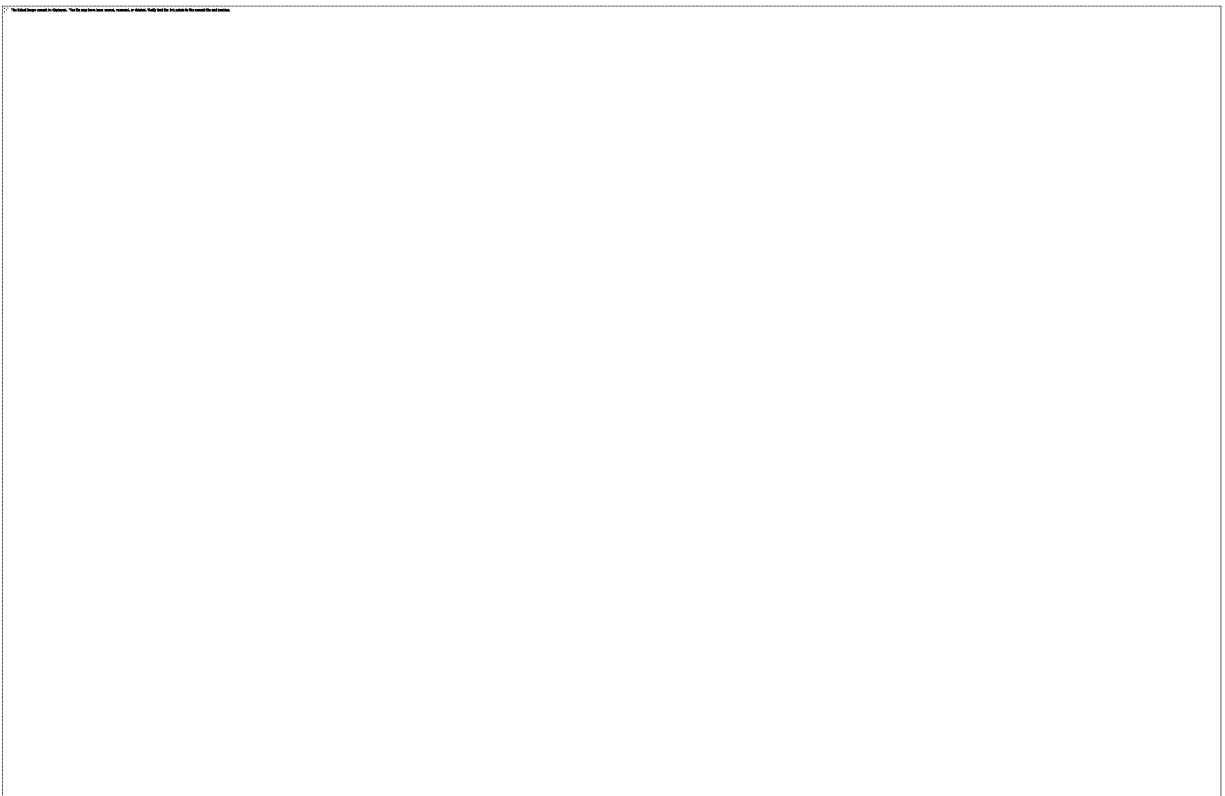
Why are we talking about zombies? Well, it is in some ways a fitting metaphor for a little-noticed February D.C. Circuit Court decision that has, among other things, resurrected decades old transportation planning requirements that were previously thought to be dead and buried. Read more [here](#).



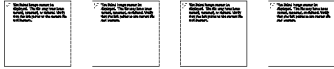
On the Road

GEI President and CEO Karen Harbert had a busy March. She joined industry leaders at CERA Week where she participated in a panel discussing "U.S. Energy Policy: Where Markets, Deregulation and Geopolitics Meet." Click [here](#) to read Karen's thoughts on relieving permitting-related infrastructure bottlenecks that make it easier to import foreign energy rather than using homegrown oil and gas.

At an even sponsored by the Congressional Hispanic Caucus Institute, Karen discussed global energy opportunities and how the market has turned in America's favor. Read more [here](#).



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Message

From: Karen Harbert [kharbert@uschamber.com]
Sent: 10/24/2017 7:11:11 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Just In - New Energy Policy Tracker

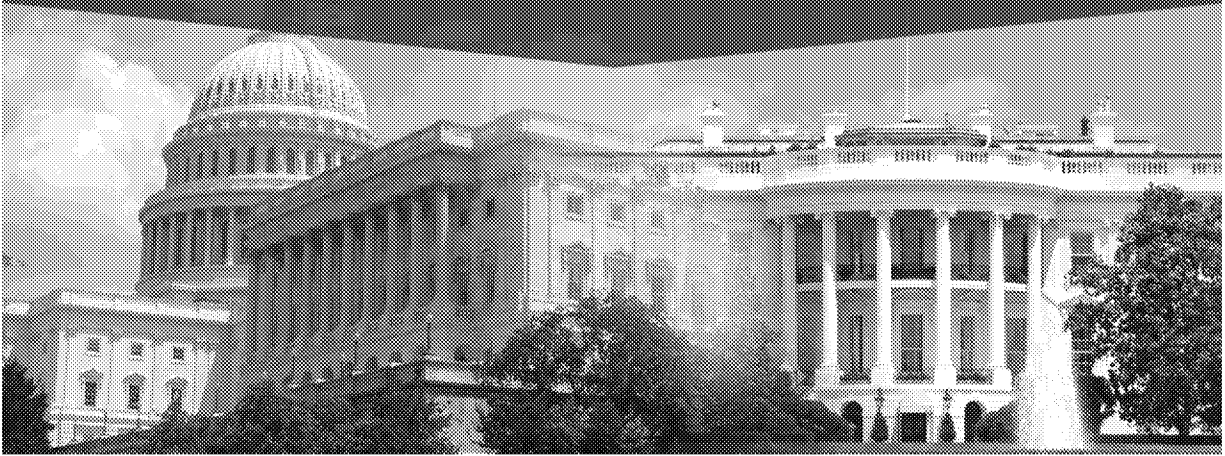


Dear Brittany:

As the Trump Administration moves forward with an ambitious energy and environmental reform agenda, the U.S. Chamber's Global Energy Institute and the law firm Beveridge & Diamond have launched a comprehensive [Energy Tracker](#) to help follow key regulatory, judicial, and legislative developments.

[The Tracker](#) is intended to serve as a user-friendly clearinghouse for monitoring key Executive Branch, regulatory, judicial, and legislative developments through a filterable and sortable database of energy-related federal actions tracked by date, agency, topic, and specific issue area.

GLOBAL ENERGY INSTITUTE - BEVERIDGE & DIAMOND
ENERGY TRACKER



Whether you're curious about the status of a specific Environmental Protection Agency lawsuit or want to browse Department of Interior actions on land management and leasing, the Tracker provides comprehensive, objective, "just-the-facts" answers to your energy policy and litigation questions.

Please visit the [Energy Tracker](#) and sign up to stay informed on the latest changes to American energy policy.

Sincerely,

Karen A. Harbert
President and CEO
[Global Energy Institute](#)
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Message

From: Tucker, Jamie [jtucker@AKINGUMP.COM]
Sent: 12/7/2017 8:37:58 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Feeley, Drew (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abae82aa36da4d3383eae19a8efa683c-Feeley, Rob]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]
Subject: RE: Natural Gas Vehicles As An Alternative Compliance Pathway
Attachments: NACS SIGMA Letter to EPA NHTSA on NGVs.pdf

Flag: Follow up

Team - I wanted to share with you the comments recently filed by the National Association of Convenience Stores (NACS) and the Society of Independent Gasoline Marketers of America (SIGMA) which describe the regulatory incentives and requirements of the current GHG emissions standards as “disproportionately favor[-ing]” electric vehicles and furthers calls on EPA and NHTSA to create a level playing field for light duty NGVs and EVs in the Mid-Term Evaluation.

Additionally, we wanted to share that we met with CARB last month and are also scheduled to have a call on the 14th with William Charmley and Michael Olewchiv from OTAQ in Ann Arbor to walk them through the technical analysis of VNG.Co’s proposals around NGV parity (summarized below).

Would you be available for a call during the week of the 18th with the team from VNG.Co for an update?

Thanks

Jamie

From: Tucker, Jamie
Sent: Monday, October 23, 2017 3:46 PM
To: 'bolen.brittany@epa.gov'; 'feeley.drew@epa.gov'
Cc: 'letendre.daisy@epa.gov'
Subject: Natural Gas Vehicles As An Alternative Compliance Pathway

Brittany/ Drew - We want to express our great appreciation for your time today with VNG and Ariel to discuss ways to harmonize regulatory treatment of NGVs and EVs.

As we discussed, VNG is proposing regulatory changes which would address (among other segments) the light-duty truck category which accounts for 64% of new vehicle purchases (and are responsible for even greater amounts of fuel use and pollution if you take into account the differential in fuel economy between light-duty trucks and passenger cars), and for which there is not a viable electrification solution.

Natural gas vehicles provide a cost effective and additional pathway for automaker emissions compliance while preserving the products consumers desire, and are therefore worthy of being included in a portfolio of solutions along with EVs to achieve the objectives.

Specifically, we would encourage the Administration to consider:

- **Restoring the 0.15 “divisor”** in EPA’s compliance calculations, equivalent to NHTSA’s statutory Petroleum Equivalency Factor that counts a gallon-equivalent of natural gas as 0.15 gallons of gasoline. The previous Administration ended this powerful incentive while simultaneously providing electric vehicles with additional emissions incentives on the hope that EVs would be “game changers.” The game has now changed for NGVs. The shale revolution that has occurred since the current rules were set as well the development of Renewable Natural Gas as the lowest carbon vehicle fuel are true game changers that strongly justify returning to the 0.15 divisor.

The powerful and well-justified incentive of the 0.15 divisor would be complemented and made even more effective by additional changes including:

- **Eliminating range requirements on bi-fuel NGVs** that results in an impractical natural gas tank size requirement that is twice the size of the gasoline tank and costly design requirements for NGVs, whereas no such range requirements exists for hybrid electric vehicles. This is the most important regulatory change as a complement to the 0.15 divisor of the three.
- **Providing NGV pick-ups with the bonus credits** provided to “strong electric hybrid pick-ups” and **eliminating the existing minimum 10% deployment threshold** to qualify for pickup bonus credits.
- **Establishing a new incentive to encourage retrofitting existing gasoline and diesel vehicles to run on natural gas**, something that isn’t feasible for electric drives but which will reduce emissions by the existing fleet of vehicles

Enclosed for your further consideration are our Midterm Evaluation comments as well as information outlining the rationale for the recommended regulatory changes. We stand at the ready to respond to any questions or recommendations you may have with regard to our MTE recommendations and comments.

Thank you again and we look forward to continuing our dialogue with you and others engaged in the inter-agency process.

Jamie

Jamie Tucker

AKIN GUMP STRAUSS HAUER & FELD LLP

1333 New Hampshire Avenue, N.W. || Washington, DC 20036-1564 || USA || Direct: **Ex. 6** || Internal: 24279
 Fax: +1 202.887.4288 || jtucker@akingump.com || akingump.com || Bio

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November 21, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

The Honorable Elaine Chao
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Reconsideration of Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light-duty Vehicles; Model Year 2021 Greenhouse Gas Emissions Standards [NHTSA-2016-0068; EPA-HQ-OAR- 2015-0827; FRL-9966-62-OAR]

Dear Administrator Pruitt and Secretary Chao,

Our clients, the National Association of Convenience Stores (“NACS”) and the Society of Independent Gasoline Marketers of America (“SIGMA”)(collectively “the Associations”), offer these comments in response to the Environmental Protection Agency’s (“EPA”) and the National Highway Traffic Safety Administration’s (“NHTSA”)(collectively “the Agencies”) reconsideration of its Final Determination of the Mid-term Evaluation of Greenhouse Gas (“GHG”) Emissions Standards for Model Year 2022-2025 Light-duty Vehicles.¹ As the Agencies formulate emissions targets for 2022-2025 model year pickups and other light trucks, NACS and SIGMA urge you to treat light-duty natural gas vehicles (“NGVs”) as equivalent to electric vehicles (“EVs”). The Associations do not believe that valiative criteria should be manipulated to push a single technology (or policy), such as electric vehicle technology. As a consequence, the Associations support treating NGVs on par with EVs and believe this principle should apply universally to any technology that demonstrates the necessary emissions outcomes.

Regulatory incentives and requirements built into current GHG emissions standards disproportionately favor EV technology over NGVs. Yet, evidence shows that the emissions

¹ Department Of Transportation, National Highway Traffic Safety Administration, Environmental Protection Agency, Request for Comment, *Reconsideration of the Final Determination of the Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022–2025 Light-Duty Vehicles*; Request for Comment, *Model Year 2021 Greenhouse Gas Emissions Standards*, 82 Fed. Reg. 160 (August 21, 2017), available at <https://www.gpo.gov/fdsys/pkg/FR-2017-08-21/pdf/2017-17419.pdf>.

benefits from NGVs are equal to those of EV technology. Thus, there is no reason to favor one efficient emissions technology over another. Parity in incentives for NGVs and EVs would encourage automakers to transition light-duty vehicle segments to compressed natural gas (“CNG”), and including NGVs in the formulation of GHG emissions targets for 2022-2025 model year light-duty vehicles could increase EPA’s estimates of achievable emissions and fuel economy improvements, which would weigh in favor of maintaining existing emissions reduction targets. NACS and SIGMA urge the Agencies to change existing regulatory incentives and dual-fuel vehicle design requirements to create a level playing field for light-duty natural gas vehicles and electric vehicles. In addition to the detailed comments provided below, NACS and SIGMA also support the comments filed by VNG.co LLC.²

I. Overview of the Associations

NACS and SIGMA represent approximately 80 percent of retail motor fuel sales in the United States.³ The Associations’ members are the consumer-facing entities in the fuel space,⁴ and are constantly adapting to changing consumer demands. Offering a product for sale does not guarantee that consumers will purchase it. Motorists do not purchase products because members of the Associations sell them; the Associations’ members sell products because their customers purchase them. Thus, the Associations’ members will continue to invest in equipment to support renewable and alternative fuels if their customers demand it. Likewise, automakers sell vehicles that consumers want to purchase—and the low demand for small, more fuel-efficient vehicles, has made it difficult to achieve the Agencies’ GHG goals as outlined in their Final Determination.⁵

² VNG.co LLC, Comments by VNG.co LLC on Reconsideration of the Final Determination of the Mid-Term Evaluation of Greenhouse Gas Emissions Standards For Model Year 2022–2025 Light-Duty Vehicles (EPA–HQ–OAR–2015–0827) (October 6, 2017), Comment ID Number: EPA-HQ-OAR-2015-0827-8077, available at <https://www.regulations.gov/document?D=EPA-HQ-OAR-2015-0827-8077>.

³ NACS is an international trade association representing the convenience store industry with more than 2,200 retail and 1,600 supplier companies as members, the majority of whom are based in the United States. SIGMA represents a diverse membership of approximately 260 independent chain retailers and marketers of motor fuel.

⁴ In 2016, the fuel wholesaling and convenience industry employed more than 2.3 million workers and generated \$549.9 billion in total sales, representing approximately 3 percent of U.S. Gross Domestic Product. Because of the number of fuel and other transactions in which the industry engages, fuel retailers and marketers handle approximately one of every 30 dollars spent in the United States. Fuel retailers serve about 160 million people per day—around half of the U.S. population—and the industry processes over 73 billion payment transactions per year.

⁵ Environmental Protection Agency, *Final Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards under the Midterm Evaluation*, EPA-420-R-17-001 (January 2017), available at : <https://nepis.epa.gov/Exec/ZipPDF.cgi?Dockey=P100QQ91.pdf> [hereinafter “Final Determination”].

II. Comments on Reconsideration of Final Determination

In 1975, Congress established the Corporate Average Fuel Economy (“CAFE”) program to reduce energy consumption by improving fuel efficiency in vehicles. As part of the program, EPA and NHTSA collaborated to establish fuel economy standards for cars and trucks sold in the United States that would also reduce GHG emissions. The goal of the CAFE program is clear: to reduce the usage of petroleum fuels. Despite the varied technological fuel options that could support this goal, regulatory incentives and requirements built into current GHG emissions standards disproportionately favor EV technology over other technology, including NGVs, notwithstanding the beneficial emissions characteristics of certain renewable fuels, such as CNG.

A. Natural Gas Vehicles could increase estimates of achievable emissions.

Per recent marketplace trends, consumers prefer larger, less fuel-efficient vehicles. Problematically, many of those larger vehicles, including light-duty trucks, have performance requirements for which electric batteries are not a suitable alternative to reduce emissions as the batteries are too costly and too heavy. Because of this, the auto industry insists it cannot reach the GHG emissions goals in the Final Determination. Fortunately, there are alternative non-EV fueling options that could meet GHG emissions goals. CNG, for example, is a low-emission, non-petroleum fuel for light trucks that has already been introduced into the automotive industry. Moreover, as a fuel source, CNG does not present the same structural hurdles for light-duty vehicles that EV technology does. Nevertheless, NGVs were not considered in the Agencies’ Final Determination. As the Agencies reconsider GHG standards, CNG should be factored into emissions targets for light trucks and pickups. Reforming the light-duty emission regulations to include NGVs will create an achievable pathway for automakers to comply with the GHG goals while also allowing the Agencies to maintain existing emissions targets.

B. The Agencies should not favor one technology over another; the Agencies should provide regulatory incentives for all technologies that present positive emissions characteristics.

As long as automakers are meeting the goals of the CAFE program, the Agencies should not favor one technology over another. Not only is this a more equitable approach to policy, it also limits the damage when the government backs the wrong technology horse or when policy incentives change.⁶ In 1988, Congress passed the Alternative Motor Fuels Act⁷, which calculates the fuel economy of NGVs and EVs by the Petroleum Equivalency Factor. Therefore, every gallon-equivalent of compressed natural gas or equivalent electrical energy should be calculated as 0.15 gallons of gasoline, known as the “0.15 divisor.” As mentioned previously, the Agencies

⁶ For example, the tax code is frequently utilized to achieve tax policy results. In the latest iterations of the House tax reform bill, however, the electric vehicle credit was removed.

⁷ Alternative Motor Fuels Act of 1988, Public Law 100-494, 102 Stat. 2441.

have maintained incentives for EVs in their regulations, but failed to calculate NGV emissions by the 0.15 divisor. The Agencies should eliminate the divisor for both technologies or impose it on both, to reflect emissions benefits of 85 percent over a gasoline vehicle.

Likewise, the Agencies should eliminate regulations that require dual-fueled, or bi-fueled, gasoline-natural gas vehicles to satisfy burdensome eligibility requirements to receive emissions reduction credits. Because of their built-in backup fuel option, dual-fueled vehicles serve as a necessary transition product to penetrate the market because they relieve consumer anxiety about running out of “juice”. These vehicles maintain emissions credits based on their “utility factor,” a relative alternative fuel consumption calculation. In order to qualify for emissions benefits, however, the NGV must have a CNG range that is *double* the range of traditional gasoline. Dual-fueled EVs, on the other hand, are not required to have an electric range that is double the range of traditional gasoline.

In order to further the goals of the CAFE program, the Agencies should remove unbalanced regulatory incentives that skew the market towards a particular technology. As such, the Agencies should incorporate a natural gas-fueled full-size light pickup CO₂ credit that is equivalent in value to credits for strong hybrid electric vehicles. However, there should not be a minimum deployment requirement since the market challenges faced by NGVs are greater than hybrid-electrics.

C. Favoring EVs has led to other problematic market externalities.

Because of the Agencies’ regulatory incentives, EV technology has been disproportionately favored over other technology despite (1) the similar positive emissions characteristics of non-EV alternatives and (2) the small market share that EV’s occupy. Consequently, this has led to other negative marketplace externalities about which the Agencies may be unaware. Specifically, utility companies are attempting to enter the vehicle recharging business for EVs on the back of the ratepayer, to the detriment of consumers.

Utility companies are allowed a monopoly over the provision of electricity in a particular marketplace because it is inefficient for multiple companies to build overlapping infrastructure in order to service the same building or home. In exchange for this loss of market freedom, utility companies are guaranteed a rate of return from ratepayers.

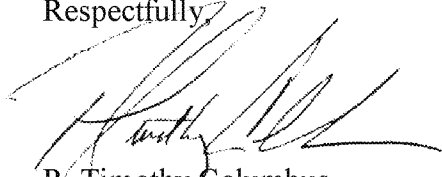
A benefit that utility companies enjoy is their ability to recover their investment costs if those costs are included in the rate base. So it is not surprising that utility companies have endeavored to treat their capital investments in the vehicle recharging business as part of the utility rate base. Subsequently, the utilities’ market entry costs are essentially zero. The private sector, including many members of the Associations, cannot compete with zero market entry costs. Thus, the current regulatory system essentially provides utilities a monopoly on the service of EV refueling, which undercuts the competitive nature of the refueling marketplace, ultimately

harming consumers by increasing the cost to refuel. On the other hand, robust competition drives greater efficiency, diversified options, and lower costs for consumers.

III. Conclusion

Thank you for the opportunity to provide these comments. NACS and SIGMA stand ready to be of assistance to the Agencies in their consideration of this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "R. Timothy Columbus", written over a horizontal line.

R. Timothy Columbus

Eva V. Rigamonti

Counsel to NACS and SIGMA

Message

From: Bolen, Brittany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: 6/5/2018 9:26:16 PM
To: Schon, Mike [mschon@USChamber.com]
Subject: Re: Running few mins late. Sorry.

That works. Thanks, Mike.

Sent from my iPhone

On Jun 5, 2018, at 2:59 PM, Schon, Mike <mschon@USChamber.com> wrote:

Yes. Should I call your office line?

Michael B. Schon
Deputy Chief Counsel
U.S. Chamber Litigation Center
1615 H Street NW
Washington, DC 20062

Ex. 6

mschon@uschamber.com

From: Bolen, Brittany <bolen.brittany@epa.gov>
Sent: Tuesday, June 5, 2018 2:54 PM
To: Schon, Mike <mschon@USChamber.com>
Subject: Re: Running few mins late. Sorry.

Hi Mike, my last meeting today wraps up around 530. Can you call then? Thanks.

Sent from my iPhone

On Jun 5, 2018, at 2:18 PM, Schon, Mike <mschon@USChamber.com> wrote:

Hi Brittany. Would you let me know the best time to give you a call?

Michael B. Schon
Deputy Chief Counsel
U.S. Chamber Litigation Center
1615 H Street NW
Washington, DC 20062

Ex. 6

mschon@uschamber.com



On Jun 1, 2018, at 1:59 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Sent from my iPhone

Message

From: Bolen, Brittany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: 11/1/2017 7:27:29 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dimitri.Karakitsos@hklaw.com
Subject: Re: Auto follow-up

Thanks, Dimitri!

Sent from my iPhone

On Nov 1, 2017, at 2:53 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Great – thank you

From: Dimitri.Karakitsos@hklaw.com [mailto:Dimitri.Karakitsos@hklaw.com]
Sent: Wednesday, November 1, 2017 12:29 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Auto follow-up

Great seeing you both a few weeks ago and very much appreciate you all taking the time to meet with us. I know we left you with some slides but wanted to share a revised and more focused/abbreviated version of what we left behind.

Hope this is helpful and please let us know if there is anything we can do to be supportive going forward.

Thanks,

Dimitri

Dimitrios Karakitsos | Holland & Knight

Partner

Holland & Knight LLP

800 17th Street N.W., Suite 1100 | Washington, DC 20006

Phone Ex. 6 Fax 202.955.5564

dimitri.karakitsos@hklaw.com | www.hklaw.com

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Message

From: Bolen, Brittany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: 8/7/2018 2:15:01 PM
To: Byers, Dan [DByers@USChamber.com]
Subject: Re: Dave Montgomery on CAFE

Thank you for sharing, Dan. Hope all is well.
Brittany

Sent from my iPhone

On Aug 7, 2018, at 10:09 AM, Byers, Dan <DByers@USChamber.com> wrote:

Hi Brittany,

Hope all is well. Just wanted to pass along this glowing complement on the CAFÉ RIA from the esteemed David Montgomery. Keep up the great work!

Dan

Ex. 6

From: Eule, Stephen
Sent: Tuesday, August 07, 2018 9:35 AM
To: Harbert, Karen; Guith, Christopher; Byers, Dan; Koch, Matthew; Knakmuhs, Heath
Subject: Dave Montgomery on CAFE

I get stuff from David Montgomery occasionally. I thought you might find his latest of interest, especially his comments on the thoroughness of the CAFE RIA.

My editor at the Talbot Spy asked me to write about the new proposed fuel economy standards, and my comments were just published here: <https://talbotspy.org/another-victory-for-regulatory-reform-fuel-economy-standards-by-david-montgomery/>

I'm envious of the team that got to work on it, because they did such a great job, and I would love to find out who had a part. This is the best RIA I have encountered in 40 years of performing, overseeing and reviewing such studies. I served as the Department of Energy's representative on President Carter's Regulatory Reform Task Force in the late seventies, I contributed to and performed RIA's during my time in the Department, and I reviewed, redid, and critiqued them during my consulting career. This is better than any I encountered, even my own and certainly the one that justified the standards that are now being revised.

I hope you find my comments interesting.

David

Stephen Eule
Vice President

Global Energy Institute
U.S. Chamber of Commerce

Ex. 6

seule@uschamber.com

<http://www.globalenergyinstitute.org/>

Message

From: Bolen, Brittany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: 12/15/2017 12:02:12 AM
To: Byers, Dan [DByers@USChamber.com]
Subject: RE: RIA question

Hey Dan – Please forgive the delayed response. This email was just brought to my attention. I'll give you a call tomorrow.

Thanks,
Brittany

From: Byers, Dan [mailto:DByers@USChamber.com]
Sent: Thursday, December 7, 2017 5:06 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RIA question

Hi Brittany,

Hope all's well. I've been digging through the CPP RIA and have a couple of questions I'd like to run by you. Could you give me a ring at your convenience? Thanks!

Dan

Ex. 6

Message

From: Bolen, Brittany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: 4/13/2018 2:43:41 PM
To: Schon, Mike [mschon@USChamber.com]
Subject: Re: Contact info

Nice to see you, too. Thanks, Mike. Talk soon.

Sent from my iPhone

On Apr 13, 2018, at 10:17 AM, Schon, Mike <mschon@USChamber.com> wrote:

It was nice running into you today. I hope all is well. I'm not sure if you have my new contact information, so I thought I'd send it along.

Regards,

Mike

Michael B. Schon
Deputy Chief Counsel
U.S. Chamber Litigation Center
1615 H Street NW
Washington, DC 20062

Ex. 6

mschon@uschamber.com

Message

From: Bolen, Brittany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: 4/27/2017 4:54:42 PM
To: Martin, Mary [mmartin@USChamber.com]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
Subject: RE: U.S. Chamber Committee Meeting

Hi Mary –

Thank you for the invitation. I am available and happy to participate on the panel. Please let Robin Kime (cc'd) know if there are any scheduling changes. Also, I'd appreciate if you could let me know of the other agency participants in advance.

Looking forward to the panel discussion.

Brittany

Brittany Bolen

Deputy Associate Administrator, Office of Policy
U.S. Environmental Protection Agency
(202) 564-3291
Bolen.Brittany@epa.gov

From: Martin, Mary [mailto:mmartin@USChamber.com]
Sent: Thursday, April 27, 2017 11:37 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: U.S. Chamber Committee Meeting
Importance: High

Hi Brittany:

Hope all is well at EPA. The Chamber's Energy, Clean Air & Natural Resources policy committee is meeting on Tuesday, May 23 at the Chamber's headquarters (1615 H Street NW). For the meeting, I am putting together a panel of agency folks to discuss the status of the new administration's energy and environmental regulatory efforts. Would you be available and interested in being on the panel? The meeting is closed to the press, off the record, and for Chamber members only. The meeting is scheduled to run from 9:00 – 11:30 a.m. I have not finalized the agenda yet; but the panel probably would start around 10:00.

Thanks in advance for your consideration!

Best,
Mary

Mary K. Martin | Energy, Clean Air & Natural Resources Policy Counsel
U.S. Chamber of Commerce

1615 H Street, N.W. | Washington, D.C. 20062

T: **Ex. 6** F: 202.463.5521 | M: **Ex. 6**
mmartin@uschamber.com

Message

From: Bolen, Brittany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: 4/18/2017 11:21:14 PM
To: Thompson, Ryan [thompsonr@akingump.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Carolyn Inge (Inge.Carolyn@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f763e42702a4f468cdf42323ee94520-Cinge]
Subject: RE: AXPC meeting request to discuss air issues - Wed (4/26)

Hi Ryan –

Thanks for reaching out. Sorry for the delayed response. Please work with Robin and Carolyn (cc'd) to schedule this meeting.

Best,

Brittany

From: Thompson, Ryan [mailto:thompsonr@akingump.com]
Sent: Wednesday, April 12, 2017 6:14 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: AXPC meeting request to discuss air issues - Wed (4/26)

Mandy and Brittany,

I hope you are well! I wanted to reach out today to request a meeting with you both to discuss air issues with the some of the member companies of the American Exploration & Production Council (www.axpc.com) www.axpc.com on Wednesday, April 26th. As you may know, AXPC is comprised of the 33 largest independent E&Ps (list below) and we are hosting a fly-in of the member companies' Environment Health and Safety (EHS) subject matter experts to discuss air issues impacting the industry.

I am reaching out to Jackson as well as we may meet with him to discuss other regulations, but I wanted to be sure and try and get the AXPC Air Subcommittee in to meet with you both on air issues in particular. We will have 6 or 8 folks from our side. Do you think a meeting will work for your schedules on the 26th? If so please let me know what time(s) may work best.

Thanks in advance and please let me know if you have any questions. Thanks!

-Ryan

Ryan Day Thompson | Senior Policy Advisor
AKIN GUMP STRAUSS HAUER & FELD LLP
Mobile: Ex. 6 thompsonr@akingump.com | akingump.com | Bio

AXPC Member Companies

Anadarko Petroleum Corporation

Apache Corporation

Cabot Oil & Gas Corporation

Chesapeake Energy Corporation
Cimarex Energy Co.
Concho Resources, Inc.
Devon Energy Corporation
Diamondback Energy, Inc.
EnCana Corporation
Energen Resources Corporation
EnerVest, Ltd.
EOG Resources, Inc.
EP Energy, Corp.
Jonah Energy LLC
Linn Energy LLC
Marathon Oil Corporation
Newfield Exploration Company
Noble Energy, Inc.
Oasis Petroleum Inc.
Occidental Oil & Gas Corporation
PDC Energy, Inc.
Pioneer Natural Resources Company
QEP Resources, Inc.
Range Resources Corporation
Rice Energy Inc.
Seneca Resources Corporation
SM Energy Company
Southwestern Energy Company
Synergy Resources Corporation
Ultra Petroleum Corp.
Whiting Petroleum Corporation
WPX Energy, Inc.
XTO Energy, Inc.

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Sent: 4/12/2017 10:51:58 AM
To: Kovacs, William [WKovacs@USChamber.com]
Subject: Re: Hill letter to EPA on Murray case

Thanks, Bill.

Sent from my iPhone

> On Apr 11, 2017, at 1:17 PM, Kovacs, William <WKovacs@USChamber.com> wrote:
>
> Brittany, in case you have not seen the letter to DOJ and EPA on the Murray case, I have attached a copy.
>
> Bill
> <04-07-2017_Final Ratcliffe-Fischer Letter with List of Signers.pdf>

Message

From: Bolen, Brittany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: 5/8/2017 11:15:12 PM
To: Martin, Mary [mmartin@USChamber.com]
Subject: FW: May 16th

Hi Mary, are you familiar with this event? I do not recall receiving an invite and I'm not able to fit this in given my current schedule. Wanted to check with you first in case I'm missing something.

Thanks,
Brittany

On May 5, 2017, at 4:42 PM, Suzie Lusk <suzie.lusk@tnchamber.org> wrote:

Brittany,
Thank you for agreeing to address the Tennessee Chamber of Commerce & Industry during our DC Fly in on May 16th.

The event will be held at The Kimpton George Hotel located at 15 E Street NW where members of the Tennessee Chamber of Commerce and staff will host our Reception/Dinner.
If you could make remarks around 7:30pm, that would be great.

We look forward to seeing you in DC.

Suzie Lusk

<image001.jpg>

Suzie Lusk, IOM
Vice President Events & External Affairs
Tennessee Chamber of Commerce & Industry
Tennessee Manufacturers Association
414 Union Street, Suite 107 (Bank of America Building)
Nashville, TN 37219

Ex. 6 (Fax) 615-256-6726

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